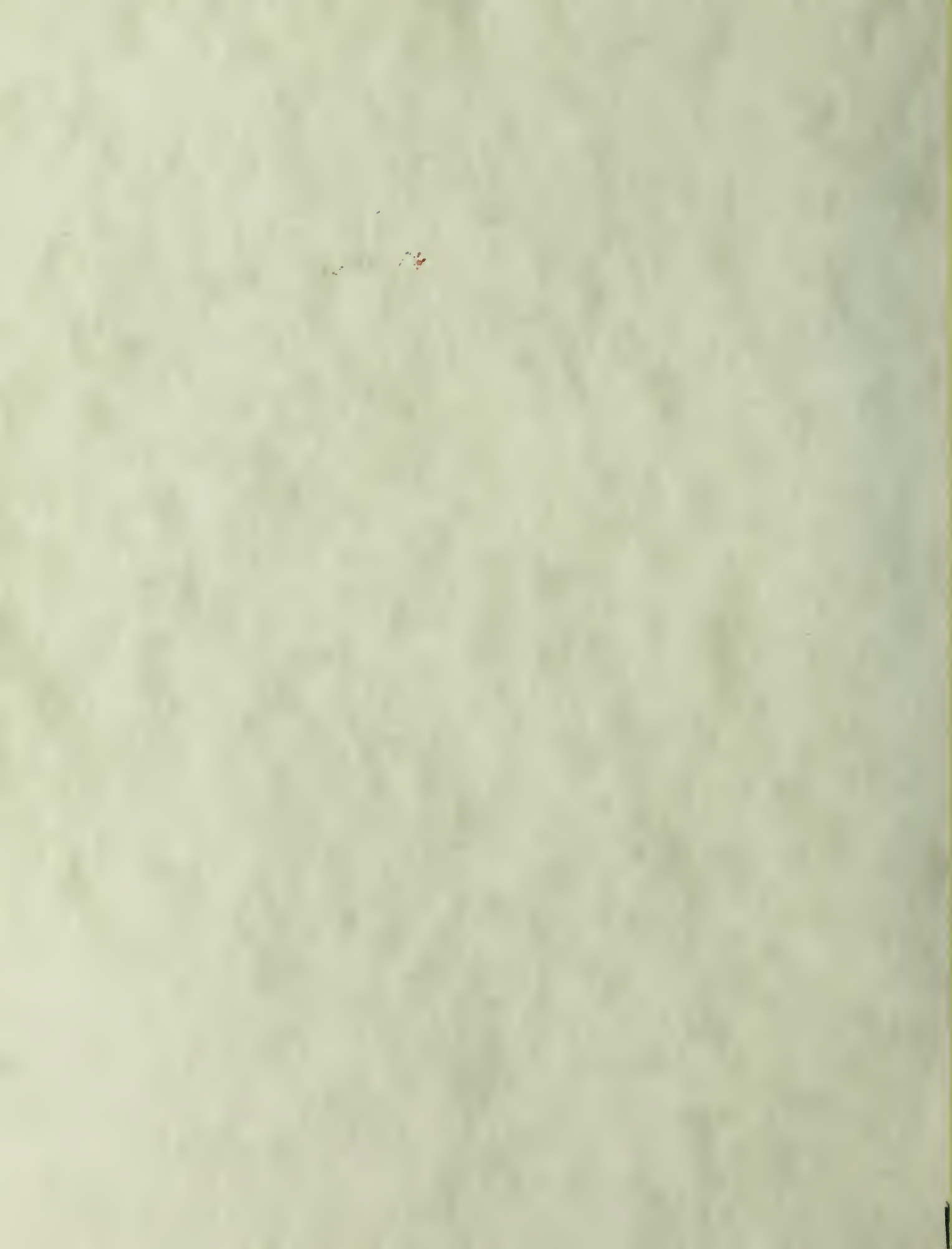


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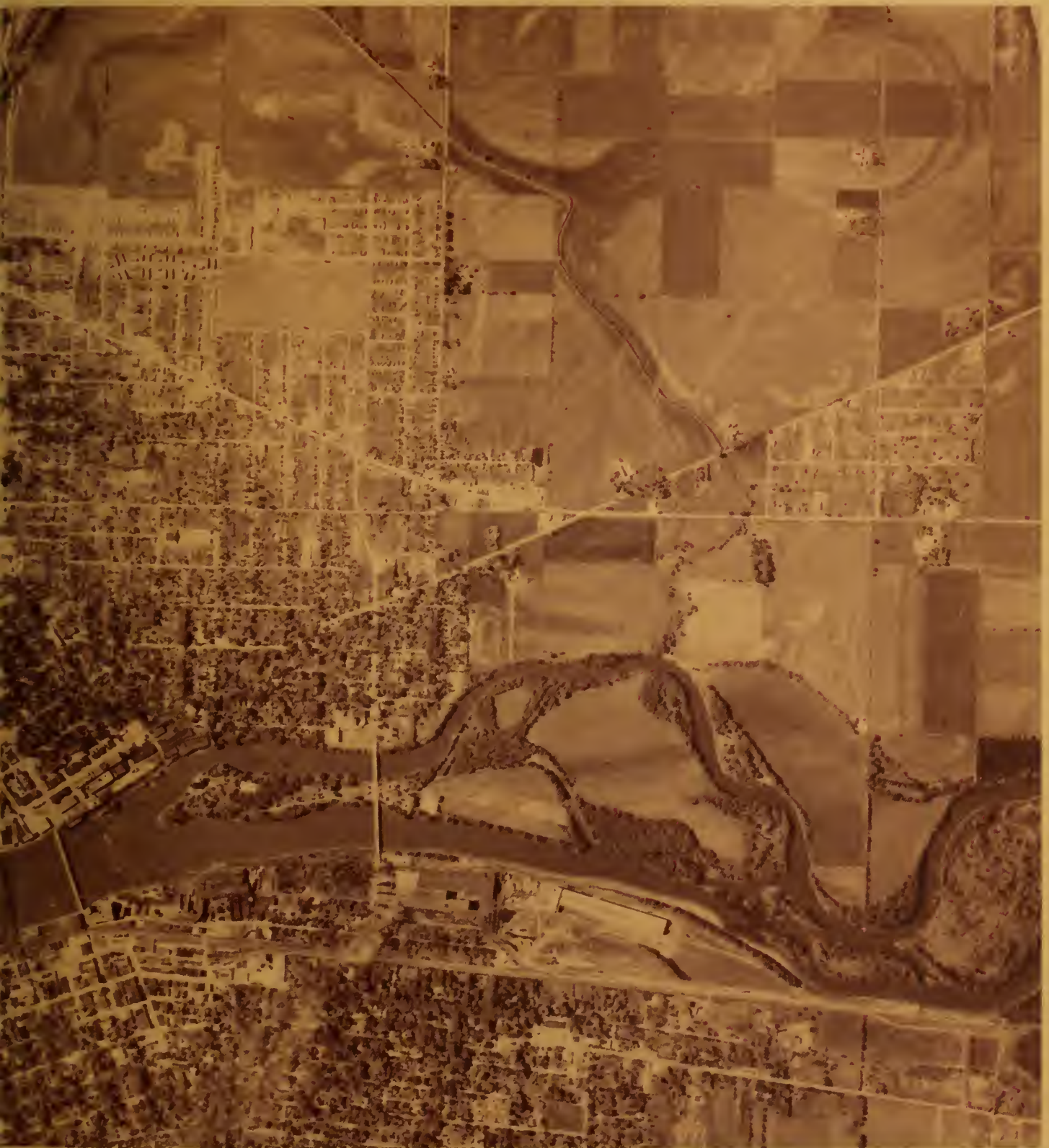
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ZONING PROBLEMS

Supplementary Statistical Report
for the Illinois Zoning Laws Study Commission



BY CLYDE W. FORREST, AIP · DAVID C. LAGER · AND KATHARINE A. MESSINGER

1971

DEPARTMENT OF URBAN AND REGIONAL PLANNING RESEARCH · UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN



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ZONING PROBLEMS

**Supplementary Statistical Report
for the Illinois Zoning Laws Study Commission**

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INTRODUCTION

The planning process on any issue begins with an exploration of what is. The development of this historical perspective is usually quite influential in formulating solutions to problems uncovered by the research.

In legislative bodies the usual procedure for gathering background material is through oral presentations before formal committee and/or commission meetings. Representatives of major interest groups are invited to express their views. A staff (if it exists) may also develop material on areas of important concern to the study group. Legislators' perceptions of the problems and their legislative answer is primarily developed on unsystematized opinion testimony of relatively few interests.

This process is fine as far as it goes. But as most legislators would readily admit, this lack of systematic information concerning major social-economic issues has severe limitations. Further, the extent and scope of citizen input is limited. In the field of land use planning and regulation this is an acute problem.

Therefore, it was suggested by the staff and approved by the Zoning Laws Study Commission of the State of Illinois that a state-wide survey be made on the basis of a professionally prepared questionnaire. Implicit in this research project was the desire to obtain a broader reflection of public official and professional opinion on the zoning process. In essence, the questionnaire idea was formulated for the purpose of encouraging individuals to communicate their problems and opinions to the Commission.

This Report is the presentation of the final statistical analysis of the questionnaire data for the State as a whole. It should be noted that the data and major findings of this report were available to the Commission and were considered prior to the submission of their recommendation to the 78th Illinois General Assembly. A summary of this report is contained in Chapter VI of the Commission Report.

The format used in discussing the findings consists first of a description of the survey methodology including the limitations of the survey; second, a historical explanation of the various problem classifications followed by the presentation of the quantified findings of the survey; third, the report of the nonquantified, additional evaluation response; and, fourth, the possibilities for future survey and experimental research in the field.

The helpful cooperation of the State Department of Local Government Affairs is hereby acknowledged for without their financial support in defraying part of the cost of this survey it could not have been undertaken.

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CHAPTER I.
SURVEY METHODOLOGY

INTRODUCTION

Few surveys of this comprehensiveness appear to have been carried out and the staff, therefore, found few previous examples which could be used to assist in structuring the questionnaire. Most research concerning land use policy seems to have been of a subjective nature, generally discussing one aspect of land use regulation; typical are the many law review articles on zoning and subdivision control. At the state level, few studies of any type dealing with the field of land use regulation were identified. Perhaps the best published studies undertaken to date are those of Hawaii and Connecticut. The reason for this lack of data probably rests with the uncertainty and vagueness surrounding the many variables that must be considered.

Specifically, no published studies were identified that had attempted to gather information concerning attitudes or opinions of local officials and active participants in the zoning process on a state-wide basis. In addition, very little data seems to have been collected concerning the actual content and substance of local zoning ordinances, an aspect which is especially interesting. This lack of research on the nature of local zoning may be an important reason why most states have set, at best, only minimal standards for uniform procedures or for substantive issues (for example, low-income housing or mobile homes) to guide local land development. It appears that in general local units of government have been delegated a great deal of autonomy and discretion in developing and administering local zoning ordinances. Some have used their authority in a commendable way; others have not. Most municipalities, however, appear to compose a group that are not sure how to use the regulatory authority to the best advantage of either themselves or the region.

HYPOTHESIS

A policy decision, consequently, was made at the outset of the study to look for broad trends symptomatic of probable zoning problems in Illinois communities. Given time constraints and inherent problems, detailed behavioral analysis did not seem possible or even functional for Commission use. Using this criterion, the development of explicit hypotheses about variable relationships was unnecessary. Insight or introspection were thus secondary considerations in the gathering of a wide range of responses relating to various types of land use problems.

The distinction between a survey and a behavioral experiment is important then to understanding the scope of this project. A *survey* is designed to explore various groups of variables on a fairly broad scale. An *experiment* on the other hand attempts to hypothesize relatively structured relationships between a finite group of relationships. In addition to its immediate usefulness the survey may be an initial step in eliminating or discovering which variables are most important or worthy of future analysis.

QUESTIONNAIRE STRUCTURE

Of necessity the questionnaire was framed to illuminate problems of a general nature. Its basic structure consisted of three types of questions: 1) information on the actual content of local zoning ordinances; 2) material dealing with the attitudes and opinions of local officials on the zoning process in general; 3) background facts concerning the local community. Broad data

groupings were developed to see if any in-depth analysis of particular relationships may be warranted. Several such areas have been delineated and are summarized in Chapter III of this report.

The actual questionnaire consisted of 13 legal-size pages with questions. For its purposes, the questionnaire was not long enough. Areas wherein information was not developed by the questionnaire consisted of court decisions and impact on zoning (Chapter IV of the Zoning Laws Study Commission's final report is a Digest of Selected Illinois Decisions, to which the reader is referred for interpreting the legal environment surrounding Illinois zoning) multiple-family housing, flood-plain zoning and subdivision regulations. The proposed Illinois Planning and Conservation Laws Study Commission will hopefully consider the latter topics as part of its work if the General Assembly decides to create it.

SAMPLE CHARACTERISTICS

Given the overall intent of the questionnaire, the sample was in part conditioned by the diverse requirements of the survey and partly by the nature of available mailing lists. Accurate lists could be obtained for planners and to some extent for lawyers. For zoning boards of appeal an indirect approach had to be employed. A cover letter and a questionnaire were mailed to the mayor of each incorporated municipality in the State according to an Illinois Municipal League list. A request was made in the letter that the mayor forward the questionnaire to the chairman of the local zoning board of appeals, it being felt that he would be the most knowledgeable and willing to complete a lengthy questionnaire. In rural areas, that is, areas outside Standard Metropolitan Statistical Areas (SMSA) many mayors elected to complete the questionnaire due to their familiarity with the local zoning process or because the community did not have any zoning ordinance.

DATA REDUCTION AND PROCESSING

To compile the questionnaire data, the Survey Research Laboratory of the University of Illinois at Urbana-Champaign contracted to undertake the data reduction and processing. All quantified responses were entered on punch cards and the nonquantifiable information was grouped by appropriate problem classifications.

Initially, all questionnaire data was included in the analysis (i.e., the no answer and inapplicable responses plus the various categories of answers). The statistical method employed (chi square) indicated the results were within allowable limits of significance. This was the method used for the "Summary Report" of the final report of the Zoning Laws Study Commission.

In this publication we have narrowed the statistical analysis to exclude the inapplicable and no response categories. By this process specific findings relative to the issues under consideration will be presented.

SUBSTANTIVE AREAS OF INQUIRY

The problem classifications into which questionnaire responses are grouped consist of the following:

1. Minimum lot-size requirements in single-family detached zoning districts,
2. The relationship of mobile homes to local zoning requirements,
3. The procedural and decision-making structure of the local zoning process,
4. The relationship of planning to zoning,
5. Attitudes of local officials,
6. Pollution control standards,
7. The number of major district classifications.

The first five were defined as being major areas of inquiry for the Commission with the last two of interest for the nature of the response and possible explanations of significance.

LIMITATIONS OF THE SURVEY

A critique of any survey procedures is a necessary scientific tool for improving upon the past. The purpose of such analysis is primarily to reveal where procedures can be strengthened and what the limitations of the present endeavor were. Major limitations of this survey were having no past experience to go on, a short time span to do the research design and a limited budget. The most important was the lack of previous state-wide surveys pertaining to local land use regulation. There appears to have been few attempts to examine quantitatively a wide breadth of topics relating to zoning regulations; or, to deal with a diverse geographic and demographic sample of respondents involved in the zoning process. The approach in the past has been to separately analyze individual land use problems to develop a very specific recommendation, or a theoretically inclined product (for example, a mathematical model for predicting future transportation needs in an urban area).

The survey encountered problems and limitations in scope of output (*i.e.*, extent of introspection and inferences which the questionnaire data can empirically provide). In general, the research design did not allow for investigating in depth the complicated nature of many of the attendant factors which exert an influence on local land use policy in Illinois. The questionnaire dealt more with logical perceptions which we hoped to confirm or deny within broad guidelines.

Statistically, the data did not lend itself to analysis beyond generating cross tabulations. Multiple correlation and regression analysis were deemed inappropriate due to the impressionistic nature of some questions, the form in which the possible response categories were delineated and the lack of input from non-officials. The questionnaire was directed primarily at local officials "intimately" involved with day-to-day zoning administration and informed observer-participants. This did then constitute a sample bias but tends to give added weight to the validity of problems identified.

While the conceptual and practical limitations of the survey were fully known, it did serve its *primary and intended purpose* in allowing local officials to make a valuable contribution to the Commission's review process. It aroused a great deal of interest and provided a valuable data file for evaluating any

changes which may be forthcoming in Illinois zoning. As an index of interest in the survey, it was a matter of both surprise and satisfaction that many respondents went beyond answering the individual questions. Close to 50% included an occasional descriptive and sometimes colorful explanatory "between the lines" observation and statements of varying lengths in the Additional Evaluation section.

In summary, the survey did add new dimensions to the general comprehensive review of Illinois zoning practice; it was an attempt to formulate a new means of obtaining citizen input (admittedly one-sided) into a state-wide planning process; and it did arouse considerable interest from the respondents.

CHAPTER II.

SURVEY RESULTS - QUANTIFIED RESULTS

DESCRIPTION OF DATA

As mentioned in the introduction to this report, the quantitative data analysis will take the form of an overview of the general problem for each problem classification followed by a presentation of results. Any inferences and conclusions that are made, are contained within the context of each sub-problem classification.

Statistically, the tables are arranged to present *row* percentages. The text of the report will explain any other percent values (i.e., column and total). To give an illustration, if the variables, location of the respondent (urban or rural), and personal income (below \$8,000 or above \$8,000), the table would take the following form (values are hypothetical):

For Illustrative Purposes Only

Income	Respondents' Location		Row Totals
	Urban	Rural	
Below \$8,000/year	37.5% (30)	12.5% (10)	50.0% (40)
Over \$8,000/year	25.0% (20)	25.0% (20)	50.0% (40)
Column Totals	62.5% (50)	37.5% (30)	100.0% (80)

The numbers in parenthesis for each cell are the number of cases, observations, respondents or responses (all are used interchangeably in the analysis) upon which the percent figures were computed as part of the row totals. For this example, the 80 total cases are so distributed that 30 people below \$8,000 live in urban areas, 10 in rural locations; for the over \$8,000 per year group there is an even distribution between urban and rural. Row percents are then based on the figures in the far right totals column. Therefore, cell 1 (upper left-hand corner) has a row percent of 37.5; cell 2 (upper middle) has a 12.5 figure; cell 3 (lower left corner) is 50, as is cell 4 (lower right middle). Column percents are based on the totals figured at the bottom of the table (40 and 30 observations respectively, for urban and rural respondents); with percent of total based on the figure in the furthest lower right-hand cell -- the 70 observations for this table.

Unless otherwise mentioned, all percent figures are computed excluding the inapplicables (for instance, respondents from communities with no zoning ordinance were deleted from certain parts of the analysis) and no answer categories.

SAMPLE CHARACTERISTICS

The questionnaire mailings took place in October and November of 1970. In its basic form the sample consisted of 1264 mayors, 1037 lawyers and 200 planners. Table 1 is a breakdown of the sample by group and adjusted size.

Table 1. Sample Characteristics

	Total Sample Size	Percent of Total Sample	Adjusted Sample Size	Adjusted Percents
Mayors	1264	51%	1264	60%
Lawyers	1037	41%	637 ¹	30% ¹
Planners	<u>200</u>	<u>8%</u>	<u>200</u>	<u>10%</u>
Column Totals	2501	100%	2101	100%

The 1264 lawyers to which questionnaires were mailed constitute the entire Local Government Law Section of the Illinois Bar. Many attorneys in this Section do not practice or are unfamiliar with land use law. Those working in the areas of bond financing, or administrative law, or public works -- engineering law and the like were not likely to complete the questionnaire due to lack of expertise. It was therefore estimated that 600 attorneys in the Section as a whole may have had some experience with land use litigation and would consider answering the questionnaire. In evaluating the total response, then, we have a total sample size/percentage and an adjusted sample size/percentage display of the sample subgroups.

The cutoff date for receipt of questionnaires was December 18, 1970. By that date 762 usable responses had been received (36% of the total mailing based on the adjusted sample size) and constitute the data base for this report. Additional returns received since last December will be incorporated into the regional delineation of land use problems (we now have in the neighborhood of 1,000 questionnaires for this analysis).

Two separate mailings were used to gather the data. The second mailing, however, went only to the mayor/planner groups. Lawyers were not included because of the difficulty in sectioning out those who were involved or sufficiently familiar with zoning litigation.

RESPONDENT CHARACTERISTICS

In analyzing the data contained in the zoning questionnaire, we felt the characteristics of the respondent would probably influence his perceptions of the uses of zoning, its effectiveness, and the problems of local government. Presented below is a summary of the frequency counts for individual traits of respondents.

For presentation they have been divided into two broad groupings: *personal characteristics* including level of education, annual income and full-time occupation; and, characteristics relating to their *role in local government and zoning*, including time devoted to zoning responsibilities, current position in local government, whether they have held another position, and, if so, what type of position it was (i.e., elective or appointive).

Educational, Income, Occupational Characteristics

From the data on the personal characteristics of the respondents, it is clear that the majority are well-educated, have a high income, and work full-time as a businessman or lawyer. Among respondents, 51% had earned a college degree, and 37% had advanced degrees. Relaxing the criteria even more, 68.5% have spent some time in college. The data on income runs in much the same direction with 72% of the respondents earning over \$10,000 per year while 37% earn over \$20,000 annually.

In the realm of occupation, there was also a heavy weighting toward certain categories. Among the most prevalent responses were local officials, 13.4%; businessmen, 19.3%; and lawyers, 28.6%. There were few responses from farmers, 2.6%.

Table 2. Education Level of Respondents

	Numerical Responses	Percent of Total
Grammar School	30	3.9
High School	187	24.5
Some College	133	17.5
College Graduate	107	14.0
Advanced Degree	282	37.0
No Answer	<u>23</u>	<u>3.0</u>
Column Totals	762	100.0

Table 3. Annual Income of Respondents

	Numerical Responses	Percent of Total Sample
0 - \$4,999	35	4.6
\$5,000 - \$9,999	137	18.0
\$10,000 - \$14,999	197	25.9
\$15,000 - \$19,999	106	13.9
\$20,000 +	245	32.2
No Answer	<u>42</u>	<u>5.5</u>
Column Totals	762	100.0

Role in Local Government

In summarizing the data on the respondents characteristics relating to their role in local government and zoning, it becomes clear that the majority had previous experience in local government, the precise figure being 62.9%. Of those stating that they had held another position, 49.6% indicated that it was elective; 34.7% said that the position was appointive. The last figure would suggest that some of the respondents have served their community in at least two positions.

Among the respondents, 37.5% were mayors. By combining the positions of zoning board of appeals chairman, zoning board of appeals member and zoning administrator, 13% of the response fell into this category.

Table 4. Full-Time Occupation of Respondent

	Numerical Responses	Percent of Total Sample
Local Gov. Official	102	13.4
Construction Trades	40	5.2
Teacher	26	3.4
Lawyer	218	28.6
Farming	20	2.6
Business	147	19.3
No Answer	43	5.6
Other	<u>166</u>	<u>21.8</u>
Column Totals	762	100.0

In indicating how much time they devoted to their zoning responsibilities, 70.2% of these local officials responded 0-4 hours. Increasing the time spent by the next category on the questionnaire, 81.2% spend 0-8 hours per week on zoning with only 8.9% working more than 8 hours per week.

Table 5. Time Devoted to Zoning Responsibilities

(Hours per week)	Numerical Responses	Percent of Total Sample
0-4	535	70.2
5-8	84	11.0
9-12	21	2.8
13-16	13	1.7
17-20	14	1.8
Over 20	20	2.6
No Answer	<u>75</u>	<u>9.8</u>
Column Totals	762	100.0

Table 6. Current Position of Respondent

	Numerical Responses	Percent of Total Sample
Planner	26	3.4
Planning Commission Member	37	4.9
Zoning Board of Appeals Chairman	57	7.5

Table 6 (Contd.)

	Numerical Responses	Percent of Total Sample
Zoning Board of Appeals Member	9	1.2
Zoning Administrator	33	4.3
Mayor	286	37.5
City Manager	18	2.4
Other	103	13.5
Inapplicable	115	15.1
No Answer	<u>78</u>	<u>10.2</u>
Column Totals	762	100.0

Table 7. Previous Government Experience

Held Another Position			Type of Position Held		
	Numerical Responses	Percent of Total Sample		Numerical Responses	Percent of Total Sample
Yes	479	62.9	Elective	234	30.7
No	251	32.9	Appointive	164	21.5
No Answer	<u>32</u>	<u>4.2</u>	Elective & Appointive	74	9.7
Column Totals	<u>762</u>	<u>100.0</u>	Inapplicable	251	32.9
			No Answer	<u>39</u>	<u>5.1</u>
			Column Totals	762	100.0

Conclusions

By surveying the total range of respondent characteristics, several conclusions are justified. The high level of education and income among the respondents combined with the fact that the majority have held another position in local government, makes it clear that many communities in Illinois are governed by well-educated, experienced, and financially successful citizens. This in turn would appear to have several implications.

On the one hand, this type of local official could be receptive to educational programs run by the State and new ideas about local land use problems. On the other hand, his experience and position in the community could cause him to reject any proposal to change the status quo. Along a similar line, it would appear from the characteristics of the local government officials, that average or disadvantaged citizens have little opportunity to participate in the zoning process of their communities.

The characteristics of the respondents seem to indicate that the sample is biased and hence, of little analytical use. This would be true if the survey was designed to randomly sample opinions on zoning across the State. However,

the survey was conceptualized to sample only the attitudes of local officials toward zoning and its administration, and hence while valid in that respect, the data should not be generalized to include the public at large.

From the responses observed in the questionnaires and the statements made at the public hearing on zoning enabling legislation, a questionnaire about zoning sent to average citizens *would be in itself an education* and affords a challenging avenue for future investigation. Interpretation of this questionnaire suggests the presence of misconceptions and fears relating to the use of zoning even among involved, intelligent local officials. It may be fair to assume that a greater misunderstanding occurs among the public.

COMMUNITY CHARACTERISTICS

Community Population

The greatest volume of responses came from communities with a population of less than 5,000. In percentages this group constituted 53% of the total sample. However, this does not tell the whole story.

At the other end of the scale is the large number of respondents from communities with populations in excess of 20,000. All but nine Illinois cities (according to the 1960 Census) in this category responded to the questionnaire. East St. Louis was the largest city, population-wise, not responding.

The significance of this latter response is twofold. First, most of the 52 communities that will become home rule units under the new Illinois Constitution are represented in the analysis. Secondly, and closely associated to the home rule situation is that the findings seem to show that both the small and large communities are floundering in administering local zoning and otherwise guiding the equitable and efficient development of their land. The nonstructured policy approach of each municipality essentially administering its own zoning subject only to procedural State standards and ad hoc judicial review may have very harmful effects within the community itself and the region.

Table 8. Community Populations

<u>Population Categories</u>	<u>Numerical Responses</u>	<u>Percent of Total Sample</u>
0 - 5,000	404	53.0
5 - 10,000	99	13.0
10 - 15,000	50	6.6
15 - 20,000	33	4.3
20 - 50,000	96	12.6
50 - 100,000	43	5.6
100 - Over	32	4.2
No Answer	<u>5</u>	<u>0.7</u>
Column Totals	762	100.0

Socio-Economic Characteristics

One of the major data gathering difficulties of the survey was formulating an accurate picture of the socio-economic phenomena of Illinois municipalities. The usual source for such representations are United States Census Data. The problem is that while the 1970 Census has been completed, the results of the social and economic questions will not be available until sometime this summer. A choice then between three alternatives had to be made. The alternatives were: use 1960 Census compilations; make estimates of socio-economic factors based on whatever supplementary material was available; or ask the respondents to estimate the situation in their community. Use of 1960 data was eliminated due to the relative age of the material. The second choice was rejected due to the amount of time required to do the estimates. Consequently, the only remaining approach was to ask the respondents to assess the situation with respect to median income levels, housing stock and its overall quality, ethnic composition of the population and the like.

It must be stated, therefore, that the data collected on the above characteristics should not be considered as scientifically rigorous. In spite of this unavoidable problem, it was deemed sufficiently important to have this data in order to compare it with other findings concerning substantive land use problems.

Three socio-economic indicators are presented: ethnic composition, sub-standard housing and community family median income.

Ethnic Composition

A total of 42 questionnaires were returned from areas where whites constituted only 1 - 9% of the local population. (See Table 9.)

Table 9. Ethnic Composition

<u>Percent of Population White</u>	<u>Numerical Responses</u>	<u>Percent of Total Sample</u>
0 - 9	42	5.5
10 - 29	3	0.4
30 - 49	4	0.5
50 - 69	10	1.3
70 - 79	15	2.0
80 - 89	64	8.4
90 - 100	616	80.8
No Answer	<u>8</u>	<u>1.0</u>
Totals	762	100.0

This figure is of interest when broken down by urban/rural location. According to the respondents' perception, 35 replies were received from individuals who considered themselves in rural areas, and 7 from persons in urban environments. On the other hand, when the questionnaires are grouped as to being in a Standard Metropolitan Statistical Area or not, only 22 respondents were actually located in a rural area, with 16 respondents residing in urban counties. Four replies could

not be placed due to no means of identifying the county (see Table 10a).

Table 10a. Location of Respondents' Community by Ethnic Composition for the 0 - 9% White Category

	<u>Respondents Perception</u>		<u>Standardized Definition</u>	
	Numerical	Percent	Numerical	Percent
Urban	7	16.7	16 ¹	42
Rural	35	83.3	22 ²	58

¹ Respondent resides in a Standard Metropolitan Statistical Area.

² Respondent does not reside in a Standard Metropolitan Statistical Area.

As might be expected, the population size of the preceding very high black and minority race communities was small. Table 10b displays the breakdown. It might be suggested that the overwhelmingly minority communities be considered by the General Assembly as areas for special help in housing and economic development.

Table 10b. Population Size by Ethnic Composition for the 0 - 9% White Category

<u>Population</u>	<u>Numerical</u>	<u>Percent</u>
0 - 5,000	27	64.3
5 - 10,000	8	19.1
10 - 15,000	1	2.4
15 - 20,000	3	7.1
20 - 50,000	3	7.1
50 - 100,000	0	-
100 - Over	0	-
<u>Totals</u>	<u>22</u>	<u>100.0</u>

Substandard Housing

The data in this area raises questions in determining criteria for substandard housing as a state-wide problem. For example, a community with a population of 100,000 or more and a substandard housing percentage of total housing stock of 4 - 6% would have a serious problem. However, for a community of 20,000 the same latter figure would not be so significant. If 10 to 12% of the total housing stock were substandard this might be the level where the word serious

could be applied. In short, what might be considered a housing crisis in one community may not be representative of the situation in other communities.

Therefore, to aid in the aggregate interpretation of data for the State, a Bureau of Census Study for 1968 was used. This report, based on a random selected sample nationally, said 9.4% of all dwellings units were substandard. This is down somewhat from previous years, but is still indicative of the serious problem this country faces in providing adequate housing for the lower income groups.

A second problem with the substandard housing question is which category of respondents -- mayors, lawyers, planners -- is most likely to give an accurate picture of housing conditions? Planners while probably in the best position to know the conditions, are spread too thin. City managers may also be in a good position to know, but they were not one of the numerically important sub-sample groups. Attorneys and mayors, on the other hand, may think more in subjective terms, such as overall quality of life in their municipality. The response is therefore presented for each group of respondents (Table 11).

Table 11. Substandard Housing by Respondent's Position in Local Government

Position in Local Government	<u>Substandard Housing</u>		Totals
	Below 9%	Above 9%	
Planners	53.8% (14)	46.2% (12)	4.8% (26)
Planning Commissioners	81.1% (30)	18.9% (7)	6.8% (37)
Zoning Boards of Appeal ¹	85.9% (79)	14.1% (13)	16.8% (92)
Mayors	73.3% (203)	26.7% (74)	50.7% (277)
City Managers	77.8% (14)	22.2% (4)	3.3% (18)
Other	70.8% (68)	29.2% (28)	17.6% (96)
Totals	74.7% (408)	25.3% (138)	100.0% (546)

¹ Includes Zoning Boards of Appeals chairmen, members, and zoning administrators.

Summarizing, the substandard housing problem existed for about one-quarter of the respondents when broken down by position in local government. There was some consistency of response between the mayors, city managers, and the other groups regarding the extent of substandard housing for their communities. The few replies received from planners for this cross-tabulation indicated that they perceived a severe housing problem approaching 47%. The index of substandardness was an indication by the respondent of low-caliber housing greater than 9% of the community's total housing stock.

Community Median Income

The community family median income distribution showed no great surprises (Table 12). The majority of responses were in the \$3,500 to \$12,000 range (80%). Very few communities had an aggregate per family income below \$3,500 or above

\$20,000. As could be expected, communities with a median income of less than \$3,500 were located in *non*Standard Metropolitan Statistical Areas with 15 of the possible 20 having no zoning. For those above \$20,000, 12 of the possible 16 were in urban counties, 1 in a rural county, with 3 questionnaires impossible to place.

Table 12. Community Family Median Income

Income Ranges	Numerical Responses	Percent of Total Sample
0 - \$3,500	20	2.8
\$3,500 - \$8,000	405	57.4
\$8,000 - \$12,000	207	29.4
\$12,000 - \$20,000	57	8.1
\$20,000 - Over	16	2.3

MINIMUM LOT SIZE REQUIREMENTS

Perspective

A great deal of controversy has developed recently over the limiting effects of large lots on the provision of adequate housing for the poor in metropolitan areas. The contention is that metropolitan suburban zoning ordinances, by placing restriction on the minimum permissible lot size in single-family residential and multi-family residential zones, deny minority and low-income persons access to housing opportunities. Considerable evidence already exists to substantiate this claim.

A Douglas Commission survey shows that 25% of metropolitan municipalities of 5,000 or more persons permit no single-family houses on lots of less than one-half acre.² A study in New York found that while consumption of land for housing had been rising, the average lot size required on the remaining vacant land was escalating at a much faster rate. The same study indicated that for vacant residentially zoned land in the New York City region, the average lot size was 24,000 square feet.³ In Connecticut, a recent project completed under the auspices of the American Society of Planning Officials reported that 60% of the remaining vacant land in that state was zoned for use in the 40,000 to 80,000 square foot range.⁴

Employment and Housing Opportunity

In terms of the effect of such lot sizes on place of work for low and middle income persons, most have to commute from the central city to outlying suburban areas. In fact, in the 1960's more than half of the new job opportunities in the large Standard Metropolitan Statistical Areas were outside the central city.⁵ The question then becomes do those municipalities which attract new industry have a collateral responsibility to provide the opportunity for the workers to live in the surrounding community? This is a question that a recent special issue of *City*⁶ dealt with and which the Illinois Zoning Laws Study Commission considered as one of its important study areas.

It would seem to go without saying that the law should not prevent the *opportunity* to choose to live near one's job by any person or economic class. The important question then, is how much does large lot zoning contribute to the exclusion of low-income families from suburban communities? The answer seems to be that large-lot zoning is one of the direct factors in addition to property tax policy, financing costs, high land costs and construction trades wage costs which have created the upward spiral of home costs.

Discrimination?

The public issue at hand with lot size restriction is whether government should exclude individuals because of their economic status from a particular area through use of public law? Is the police power to be amended to read, "for the general health, safety, and welfare of *those who can afford it?*"

Prospects for the Future

Federal courts have and are presently hearing several cases dealing with minimum lot size requirements. The decisions handed down so far indicate that the judiciary may have serious doubts about the legality of such restrictions.⁷ Federal governmental agencies have been threatening to preempt local restrictions if some attempt is not made to meet regional metropolitan housing needs. The Kerner, Kaiser and Douglas Commissions have all issued strong statements condemning the inequities and barriers such regulations cause in providing adequate housing.

Perhaps, the best summation of the importance of land use regulations relative to the location and availability of low and moderate-income housing was made by Richard F. Babcock, prominent attorney and author in the field of land use regulation at the February 9, 1971, Zoning Laws Study Commission public hearing. He noted;

We are at a watershed in land use regulation. The long-held assumption that the regulation of land use is the exclusive prerogative of cities and villages is being vigorously challenged across the country....If the only evidence of unrest with things as they have been were coming out of state legislatures, it might be possible for some in Illinois to shrug it off as a matter with which we do not choose to agree. But this issue is not being left to the legislatures. Fortunately or unfortunately, depending on one's view, the courts, and particularly the federal courts, are moving into the field with special emphasis upon the impact of local land use regulations upon the availability of low- and moderate-income housing. *I can say to you now that zoning in the 70's will be the equivalent -- in the federal courts -- of school desegregation of the 60's.* (Emphasis added)⁸

Given this background, one purpose of the survey was to develop data regarding the extent of large-lot zoning in Illinois.

Areas of Analysis

To gather the necessary information several questions were required. Some were directed at the actual content of local zoning ordinances, such as lot-size requirements and others as associated issues. Examples of the latter were the relative wealth of the community, the existence of some type of formal plan for development and impressions of local officials and informed observers regarding the impact of the zoning ordinance in the community. The intent was to see if any relationship existed between large lots and these other variables.

Results

Summary

Generally, the findings of the survey confirmed in substance what the consultants -- staff to the Commission, various interest group presentations -- outside reports, found to be the case concerning large lot zoning. That is, in Illinois a substantial proportion of the questionnaire respondents indicated their communities had excessively high lot sizes⁹ in urban, single-family residential neighborhood, (58.1% over 6,000 square feet).¹⁰

However, the one fact that was somewhat surprising, was the apparent lack of understanding concerning the perception of fair housing opportunities *vis a vis* zoning among respondents (see Attitudes of Local Officials - Effectiveness of Zoning). There seems to be a certain lack of understanding regarding the impact local zoning policy can have.

Lot Size and Presence of a Zoning Ordinance

The majority of respondents fell into the category of lot sizes, 6,000 - 10,000 square feet. Depending on land and building costs (which are quite high in suburban Chicago communities) this would appear to mean that families with a low-moderate income (below \$6,000) cannot even consider locating in many areas around Chicago. (See Table 13.)

Table 13. Zoning Ordinances and Lot Sizes

	<u>Minimum Lot Sizes</u>					
	6,000 sq. ft. or less	6-10,000 sq. ft.	10-20,000 sq. ft.	1-3 acres	4 acres or more	No Answer
Yes to Having a Zoning Ordinance	26.7% (146)	47.7% (261)	8.4% (46)	1.8% (10)	0.2% (1)	14.1% (77)
<u>6,000 sq. ft. & over = 58.1% (Of total respondents)</u>						

Lot Size and Respondent's Location

Looking at the report of lot size by the urban or rural location of the respondent (Table 14), urban areas, as expected, have the majority of the large

lots (they, of course, also have the most zoning ordinances proportional to number of communities). Again, most of the respondents fell in the 6,000 - 10,000-square-foot-category.

Table 14. Lot Size by Urban/Rural Location

Location	<u>Lot Size</u>						
	Less than 6,000 sq. ft.	6-10,000 sq. ft.	10-20,000 sq. ft.	1-3 acres	4 acres or more	No Answer	Inapp. ¹
Urban	24.8% (82)	43.5% (144)	9.1% (30)	2.4% (8)	-	14.5% (48)	5.4% (18)
Rural	15.3% (60)	26.2% (103)	3.3% (13)	0.3% (1)	0.3% (1)	5.6% (22)	47.8% (188)
Total	19.8% (142)	34.4% (247)	6.0% (43)	1.3% (9)	0.1% (1)	9.7% (70)	28.7% (206)
Totals	46% + 54% = 100% (330) + (388) = (718)						

¹ Inapplicables account for respondents residing in urban or rural communities but which have no zoning.

From the above table, urban area respondents in 55% of the cases reported lot sizes in excess of 6,000 sq. ft.; rural areas 30.1%. Table 15 represents adjusted figures leaving out the inapplicable and no response, no answer categories.

Table 15. Lot Size by Urban/Rural Location

	<u>Lot Size</u>		Totals
	6,000 sq. ft. and less	6,001 sq. ft. and over	
Urban	31.1% (82)	68.9% (182)	59.7% (264)
Rural	33.7% (60)	66.3% (118)	40.3% (178)
Total	32.1% (142)	67.9% (300)	100.0% (442)

In the aggregate, Table 15 is somewhat more revealing of the extent of large lots according to our definition. Almost 70% of the respondent living in urban counties who had a zoning ordinance, indicated minimum single-family lot sizes greater than 6,000 sq. ft. Of the 9 "urban areas," 192 responses were from the immediate six county Chicago area.

Questionnaire Overlap

The 192 Chicago vicinity responses represent 133 municipalities, or about one-half of the incorporated villages, towns, and cities in the region. All respondents reported having a zoning ordinance. For *all* urban areas in the State, the 264 respondents comprise 177 different municipalities.

The reason for this low urban county total of municipalities, is due to the overlap of the sample. In some cases we received three, sometimes five or six replies from the same municipality -- the mayor, a planner, a few lawyers, for instance, would each return questionnaires. The problem presented by this redundancy is deciding who is most authoritative and representative of the actual situation. The previous section on substandard housing touched on this situation. We decided not to make a choice since (1) we had no way of checking to see who was right and (2) even if we did, our purpose was not to sample municipalities, but local public officials -- informed participants -- observers.

Therefore, when we say communities, we do not mean that the number of respondents corresponds to the number of communities. Rather, "urban communities," refer to 177 different municipalities with 159 having a zoning ordinance. However, for nonStandard Metropolitan Statistical Areas, there is virtually no overlap of questionnaires.

Position in Local Government and Lot Size

In properly interpreting the findings of lot size regulations, clarity necessitates a presentation of data which can give a true indication of the extent of the problem. In the context of our data, this is best done through a cross tabulation of lot size by respondents' position in local government. Using this aggregation, it is possible to see how the various groups of respondents reported on the problem. Within each group, there would be a decreased likelihood of overlap, and therefore of presenting an erroneous picture of the situation.

Table 16. Lot Size by Position in Local Government.

Position	<u>Lot Size</u>		Totals
	6,000 sq. ft. and less	6,001 sq. ft. and over	
Planner	42.1% (8)	57.9% (11)	5.7% (19)
Planning Commissioners	16.7% (5)	83.3% (25)	9.0% (30)
Zoning Boards of Appeals	31.0% (27)	69.0% (60)	26.0% (87)
Mayor	34.5% (41)	65.5% (78)	35.5% (119)
City Managers	12.5% (2)	87.5% (14)	4.8% (16)
Others	42.2% (27)	57.8% (37)	19.0% (64)
Totals	32.8% (110)	67.2% (225)	100.0% (335)

From Table 16 it is apparent that there is relatively consistent agreement among respondents regarding the incidence of large lots. Zoning boards of appeal chairmen and board members, planners and the "Other" category -- village clerks, a few city engineers and several lawyers who classified themselves as full-time municipal attorneys working for a city -- generally agreed within a 15% point spread. Most of the mayors subsample is from rural areas judging from the "inapplicable" response for the cross tabulation. Overall 67% of the total cases for this cross tabulation reported the existence of possible minimum lot-size discrimination.

Lot Size by Full-Time Occupation

A second means of correcting for overlap, is through presentation of data by respondents' full-time paid occupation. Table 17 has these figures.

Table 17. Lot Size by Respondents' Occupation

Occupation	Lot Size		% of Sample
	6,000 sq. ft. and less	6,001 sq. ft. and over	
Local Government Official	34.2% (27)	65.8% (52)	18.0% (79)
Construction Trades	41.2% (7)	58.8% (10)	3.9% (17)
Teacher	(0)	100.0% (9)	2.1% (9)
Lawyer	28.3% (45)	71.7% (114)	36.2% (159)
Farming	66.7% (4)	33.3% (2)	1.4% (6)
Business	30.6% (26)	69.4% (59)	19.4% (85)
Other	34.5% (29)	65.5% (55)	19.0% (84)
Totals	31.4% (138)	68.6% (301)	100.0% (439)

The data seem to conform in substance to that of position in local government in overall row percent figures. For this tabulation as a whole, 68.6% indicated existence of large lots.

What the above figures appear to indicate is that most groups of respondents were consistent in their answers to the question. This would suggest that many communities do not afford adequate opportunity in their zoning ordinances for a low-income family to purchase property in a single-family detached dwelling unit district. In weighing the results it should be borne in mind that, scientifically, no firm answers can be derived from the results. However, based upon accepted home building standards and practices, it is reasonable to infer that a very strong possibility exists that the relationships do have a factual basis.

MOBILE HOMES

Perspective

The modern mobile home is an outgrowth of the travel trailer and vacation home of the 1930's. In those years most were homemade and for convenience purposes small (6 x 25 ft.). Those who used the mobile home as a permanent residence did so due to their mobility requirements caused by the depression. The mobile home provided cheap, easily movable housing.

The 1930's was also the period where much of the stigma currently associated with mobile homes developed. For obvious cost considerations, owners of mobile homes place them on any available land. Mobile home park developments or single home lots had only the minimum of sanitary facilities, nor could any aesthetic awards be won for the flimsily constructed boxes. Eye sore trailer courts became common.

Modern Era

The post war years, however, brought on the mobile home era. Most responsible for the surge was the general housing shortage following the war. Comparatively few units had been constructed in the 1940-1945 period. Consequently, along with the increase in conventional housing, the number of mobile home units went from 16,000 in 1940, to 60,000 in 1947, to 120,000 in 1959, to a high 418,000 in 1969. Size dimensions and construction standards also increased and improved (the standard unit is now 12 x 60 ft.). *The Report of the President's Committee on Urban Housing*¹¹ gave four reasons for the increase: (1) production efficiencies achieved through factory assembly, (2) the fact that units come furnished, and that the cost of furnishings can be included in the financing of the units, (3) freedom of manufacturing from both public and private restrictions in their operations, (4) the comparatively light property tax burden borne by mobile home occupants. These facts are further supported by the large number of mobile home manufacturers (about 300) and dealers (some 7,000 nationally).

Today there are some 22,000 mobile home parks. An interesting factor, according to the publisher of the *Woodhall Mobile Home Directory*, is that the number of developments are decreasing in number while the size in number of spaces is increasing.¹² Average density is 10 to 12 units per acre in the newer parks.

National Policy on Mobile Homes

The 1968 Housing Act set as a goal 26 million new housing units in a ten-year span. The importance of the mobile home in achieving this was stated by President Nixon when he said in his 1970 Housing Report to Congress: "Nearly half of all American families probably cannot afford to pay much more than \$15,000 for a home. Yet today the only significant amounts of new housing available in that price range are mobile homes."

While this country at present is not coming close to meeting the yearly quota necessary for the 26 million new units, mobile homes still remain an inexpensive (average mobile home unit price in the 1960's was \$6,000) and comparatively functional housing choice for many families. The Department of Housing

and Urban Development recognized this factor, and in 1969 revised its mortgage insurance policies to make it easier for both developers and retailers and the purchaser to invest in mobile homes.

Financing

But in spite of the liberalizing of national regulations, local financing availability stands as a crucial deterrent along with local zoning and building regulations to even greater use of mobile homes. Monthly financing charges inhibit such choices. The mortgage period is considerably shorter (5 to 10 years) for mobile home owners with interest rates also higher than for conventional single-family home owners (usually a 30-year or longer mortgage period). The financing arrangements for mobile homes are more similar to that of automobiles than for that of real property.¹³ A comparative example of what seems to be an across-the-board financing arrangement is the following:

A person in the market for a mobile home will pay in the neighborhood of \$6,000 for the unit and another \$500 for the lot and public service hook-ups. Arranging the financing through the per-month cost of debt retirement for the \$6,000 mobile home is nearly the same as for the owner of a conventional \$16,000 single-family residence, *i.e.*, the mobile home buyer paid an average of \$86 per month while the conventional home owner paid \$92 per month. A six-dollar differential in the monthly cost of the mortgage seems to indicate a slight problem since there is a \$10,000 difference in total unit price, plus the length of time the two types of home owners have to retire their mortgages.¹⁴ The shorter period of payments, 5 years in this case, may constitute a money-cost advantage to the mobile home buyer.

Land Use Policy

While financing is certainly important, real property taxation and land use policy are two other factors of considerable bearing. In the latter area, the 1960 Census of Housing found that 9 out of 10 mobile home units were located outside metropolitan areas. The reason seems to relate to perceptions and stigmas attached to mobile home living. Many communities flatly refuse to permit mobile homes fearing it will either aesthetically hurt the community in terms of property values; or, bring insufficient taxes to defray the cost of public improvements.

The effect of this policy is that if they are permitted at all in metropolitan areas, they are allowed only in blighted or industrial/commercial areas where there is a "buffer zone" between the park and the so-called better portions of the community. Fred Bosselman stated the problem in these words: "(T)o get permission to use (my) land for high density housing, I (the developer) must prove that the land is so lousy that it would be worthless for low-density housing."¹⁵

The underlying problem here is similar to the use of large lot zoning practices, namely, is such a use of the power to zone employed equitably in prohibiting individuals from choosing the type of housing suited to their economic means within a reasonable distance of employment and other activities and services? Based on the criterion of need for low cost housing, and the increasingly high quality of mobile home construction, such a use of zoning powers would appear

to be misused. With the advent of improvement standards in mobile home parks, the charge of unsightly development also has decreasing validity. It seems likely that in the not-to-distant future, unless the states improve the situation, the courts will be hearing many more cases dealing with restrictions of mobile homes through general land use and zoning regulations.

Areas of Analysis

The survey used four questions to evaluate the regulatory aspects of mobile home development in Illinois. They were:

1. (H)ave mobile homes presented any problems in administering the zoning ordinance? The intent was to obtain an overall reading of the extent of the problem and cross-analyze this response by urban/rural (whether a respondent was in a Standard Metropolitan Statistical Area or not), and the median family income of the community.
2. If so, are improvement standards required in mobile home parks? The purpose of this question was to see if the identification of problems with mobile homes and improvement standards had any relationship.
3. Where are mobile homes legal?
4. Where are mobile homes most prevalent? The possible categories of response for questions 3 and 4 were commercial, light commercial; industrial light industrial; residential, multi-family residential; and agricultural. The inclusion of the fourth question was in recognition of the possibility that while some communities do not permit mobile homes generally, they are occasionally allowed through a special use permit procedure.

Results

Summary

The survey generally confirmed what the foregoing discussion indicated regarding the exclusion of mobile homes from many communities. Their restriction is due to various interrelated governmental actions such as land use controls, taxation policy and building codes.

Specifically, as to whether mobile homes present problems to local communities, the survey response was separated between urban and rural. In urban areas, mobile homes generally did not present as great a problem in zoning ordinance administration as in rural areas. The evidence seems to indicate the explanation rests with the fact that urban areas are less likely to look with favor on mobile homes individually or mobile home developments. If they were permitted in urban areas, the chances were greater that they would be in commercial or industrially zoned locations. Rural communities appeared to have a greater propensity to permit mobile homes in residential zones. Finally, it was reported that while many communities did have improvement standards regarding mobile home developments, standards did not have much effect on whether or not mobile homes caused zoning ordinance administrative problems.

Of those living in urban areas who responded to the questions, 31.4% (Total number of cases was 290.) said they had encountered some degree of problem in mobile home administration in relation to local zoning. In rural areas, though, the percentages jumped to 67.3% (Total number of cases was 199.) for the same comparison. This rather large difference between urban and rural is most indicative of difference in location. There does not appear to be a difference in problems between the two areas. Sanitation hookups to public sewers or septic tanks, roads lighting are the same for mobile homes as for other types of residences in the two areas. Therefore, the rather low problem level for urban areas could be because the propensity for mobile homes is low or nonexistent or confined to very specific districts.

This latter fact is supported by a second set of data. It involves the frequency of mobile homes in various types of zoning districts. Table 18 contains these findings. It should be noted that there are two sets of figures for both the urban and rural location of the respondent. The first set of percentages for respectively the urban and rural area is based on the column totals, while the second set is based on the *total number of cases* in the lower right-hand corner of the table.

Table 18. Respondent's Location by Type of Zone Mobile Home Permitted In

Type of Zone Permitted In	<u>Location</u>			
	Urban (%)		Rural (%)	
	of Col	of Total	of Col	of Total
Commercial	17.3	6.4	15.8	10.0
Light Commercial	11.1	4.1	11.7	7.4
Industrial	16.8	6.2	11.1	7.0
Light Industrial	20.4	7.5	11.1	7.0
Residential	11.5	4.2	17.4	10.9
Multi-family residential	12.7	4.7	15.8	10.0
Agricultural	10.2	3.8	17.1	10.8
Totals	(226) + (386) = (612)			
	36.9% + 63.1% = 100%			

What would appear of most interest in the above Table is the difference between urban and rural with respect to residential and multi-family residential zones. First, comparing on the basis of total cases (612), rural respondents were twice as likely to report mobile homes in residential areas (4.2% urban, 10.9% rural). The same held for multi-family dwellings (4.7% urban, 10% rural). Urban area respondents indicated mobile homes were most prevalent in light industrial districts (20.4%), commercial (17.3%) and industrial (16.8%). Rural areas respondents overall were more evenly spread between residential (17.4%), agricultural

(17.1%), multi-family residential (15.8%) and commercial (15.8%).

Thus, from figures based on both column and totals, it appears that urban areas are more exclusive where mobile homes are permitted, if permitted at all. Commercial districts for both urban-rural respondents seem to be a compromise district. An interesting comparative study could be made of how many mobile homes do exist in the various districts in relation to their being permitted. The hypothesis might be that while mobile homes may be permitted, they are effectively excluded through other "informal" factors (i.e., minimum lot sizes or floor areas).

Median Income

The majority of respondents from communities with an under \$8,000 median family income were in rural, nonstandard Metropolitan Statistical Areas (of total sample -- both urban and rural -- 61.1% of respondents came from communities with incomes of less than \$8,000 (404 cases). Rural areas constituted 76% (307 cases) of this total). As could be expected poorer communities also have a more difficult time in regulating mobile homes with respect to the zoning ordinance.

The explanation might possibly rest with the fact that the more wealthy elements of the community are more active in zoning as indicated by our respondent incomes. Consequently, their attitudes concerning mobile homes may be similar to those of urban areas due to a higher income--being able to afford a single-family residential home. Therefore, attempts to impose restrictive provision on mobile developments encounter relatively more opposition from the community due to the greater use of mobile homes in rural municipalities.

Table 19. Community Median Income by Mobile Homes Presenting Problems

Problems with Mobile Homes	<u>Income Levels</u>		
	Under \$8,000 per year	Between \$8,000 and \$12,000 per year	Over \$12,000 per year
Yes	60.5% (127)	35.7% (75)	3.8% (8)
No	35.4% (95)	42.2% (113)	22.4% (60)
Totals	(210) + (268) = (478)		
	43.9% + 56.1% = 100%		

A second possible explanation for less wealthy communities experiencing mobile home regulatory problems could be that their zoning ordinances are less restrictive or they do not enforce their ordinance. This latter situation is substantiated by comments from the additional evaluation section. In small communities where everyone knows everyone else, local officials are somewhat hesitant to crack down on violators who they know well, and to whom they might have economic ties.

Substandard Housing

Paralleling the relationships between overall community affluence and perception of acceptable housing is that of extent of substandard housing and problems with mobile homes. The response indicated a relatively strong data grouping towards mobile homes causing problems and over 9% of the community's housing stock being substandard. Close to 33% of the respondents who had problems with mobile homes also had substandard housing. Table 20 shows these figures.

Table 20. Substandard Housing by Mobile Homes Presenting Problems

Problems with Mobile Homes	Substandard Housing (Over 9% of Housing Stock)		
	Yes	No	Number of Cases
Yes	32.7% (71)	67.3% (146)	43.8% (217)
No	14.7% (41)	85.3% (237)	56.2% (278)
Totals	22.6% (112)	77.4% (383)	100.0% (495)

Calculating percentages on the basis of the total cases (495), cell one in Table 20 (yes for substandard housing, yes to problems) 14.3% of the respondents indicated a high level of subcalibre housing -- zoning regulatory problems with mobile homes. These figures would again indicate that mobile homes are probably in greater use in areas with low-income families.

The most revealing percentage, though, is comparing those who reported substandard housing and mobile home regulatory problems with the total number of respondents with substandard housing (112). On this basis, 63.4% of the response that had over 9% of their community's housing stock substandard, also had encountered zoning problems with mobile homes. While we have no way of substantiating the fact (multiple correlations were not used due to the data being nominal), it would seem that this latter figure might apply more to rural areas. A standard of 9% substandard probably would be high for many urban communities due to their large population and fewer single-family units (*i.e.*, more apartment buildings -- multi-family units). But even using a 9% standard, 61 urban area respondents reported substandard housing. The key figure (119 respondents from rural communities) indicated a poor quality housing stock.

Improvement Standards and Official Plan

These two variables were perhaps the two clearest indicators of trends with respect to mobile homes. First, for improvement standards, it apparently does not make much difference if a community had some type of improvement standards and mobile home problems. Close to 85% of those who reported difficulties with mobile homes reported they also had improvement standards (assumes continued problems). Improvement standards were interpreted as at least providing for gravel or paved roads to the individual mobile home unit, provision for use of a septic disposal system or connection to city sewerage system and fresh water hook-ups. If this be the case, then problems with mobile homes would either have to be due to their location within the community or to their perceived aesthetic

merits or overall design considerations for a mobile home park (for example, distance between mobile homes, play space, unit density). In the latter case state legislative action in the area of design criteria could minimize this problem.

An official plan of development also did not seem to exercise much influence over whether or not a respondent replied that his or her community had zoning ordinance administrative difficulty with mobile homes. But of all those who said yes to having an official plan, 75.2% also indicated problems with mobile homes. Even of the total (508) some 34% of respondents indicated yes to an official plan also had problems with mobile homes. These figures would appear to indicate either the planning process for many communities is not sufficiently comprehensive to adequately provide for mobile home developments; or that, in spite of the plan, mobile homes are not regarded as a desirable living accommodation by at least some sectors of the community. Due to the relative newness of comprehensive community planning (The survey indicated that 88% of all respondents from communities with development plans had adopted them since 1958. Virtually all respondents from rural communities with a plan indicated adoption of such plans after 1958. For urban areas, the figure for the same comparison is 83%.) the former explanation may carry some weight in an urban area. Most communities seem to be focused on the single-family residential area and a commercial core. Multi-family zones or mobile homes for fiscal, aesthetic considerations are given low priority. On a regional planning scale vis-a-vis low-income housing, the state of the art appears no further then identifying potential sites let alone financing them or deciding on design factors.

Table 21. Official Plan by Mobile Homes Causing Problems in Zoning

Mobile Homes Causing Problems	Official Plan		Number of Cases
	Yes	No	
Yes	45.3% (170)	54.7% (205)	73.8% (375)
No	42.1% (56)	57.9% (77)	26.2% (133)
Totals	44.5% (226)	55.5% (282)	100.0% (508)

Somewhat substantiating the above points is the fact that of all those respondents coming from communities where mobile homes were legal, the great majority also had a plan. The same held for areas where mobile homes were not legal (see Table 22). However, when percentages are computed on basis of total observations for *each* district, the majority of respondents came from communities with a plan but where mobile homes were not legal (special exception process is sometimes used to occasionally permit a mobile home or development). Somewhat surprisingly, the next category down consisted of respondents who reported no plan, and mobile homes not legal (percentages here ranged between 19.5% and 20.7% for all land use classifications). The third category down was yes to a plan and yes mobile homes were legal (ranged from 13.8% to 18.5% for all land use districts). The fourth category was no to a plan, but yes to mobile homes being legal. Table 23 shows percents for the total single-family sample of 416 and indicates that they are not legal in this type of zone in 76.7% of the cases.

Table 22. Land Use Districts by Official Plan

Type of Land Use District	<u>Official Plan</u>		Subtotals
	Yes	No	
Commercial			
Mobile Homes Legal	(75) 73.5%	(27) 26.5%	102
Mobile Homes Not Legal	(222) 73.0%	(82) 27.0%	<u>304</u>
Total			<u>406</u>
Light Commercial			
Mobile Homes Legal	(54) 77.1%	(16) 22.9%	70
Mobile Homes Not Legal	(236) 73.5%	(85) 26.5%	<u>321</u>
Total			<u>391</u>
Industrial			
Mobile Homes Legal	(55) 67.9%	(26) 32.1%	81
Mobile Homes Not Legal	(232) 74.4%	(80) 25.6%	<u>312</u>
Total			<u>393</u>
Light Industrial			
Mobile Homes Legal	(66) 73.3%	(24) 26.7%	90
Mobile Homes Not Legal	(220) 73.6%	(79) 26.4%	<u>299</u>
Total			<u>389</u>
Residential			
Mobile Homes Legal	(58) 60.0%	(39) 40.0%	97
Mobile Homes Not Legal	(238) 74.6%	(81) 25.4%	<u>319</u>
Total			<u>416</u>
Multi-Family Residential			
Mobile Homes Legal	(73) 79.3%	(19) 20.7%	92
Mobile Homes Not Legal	(226) 72.7%	(85) 27.3%	<u>311</u>
Total			<u>403</u>
Agricultural			
Mobile Homes Legal	(64) 72.7%	(24) 27.3%	88
Mobile Homes Not Legal	(212) 72.9%	(79) 27.1	<u>291</u>
Total			<u>379</u>

Table 23. Single-Family Residential District by Official Plan

	<u>Official Plan</u>		Subtotals
	Yes	No	
Mobile Homes Legal	(58) 13.9%	(39) 9.4%	(97) 23.3%
Mobile Homes Not Legal	<u>(238) 57.2%</u>	<u>(81) 19.5%</u>	<u>(319) 76.7%</u>
Total	<u>(296) 71.2%</u>	<u>(120) 28.8%</u>	<u>(416) 100.0%</u>

In sum, it does not appear that a plan makes much difference in being more permissive in allowing mobile homes in a community. In most instances they are not allowed. The 57.2% figure in the Table 23 is indicative of this conclusion. Further of all those having a plan, only 19.6% allowed mobile homes in residential zones. The question, "Do people really live there?", would seem to be appropriate regarding where mobile homes are permitted in an Illinois community.

ATTITUDES OF LOCAL OFFICIALS

Perspective

The fifth component of the survey was an analysis of the attitudes of local officials regarding the land use regulatory process. This survey used attitudes mostly as a means of evaluating overall feelings about environmental protection, i.e., what the situation currently is as opposed to normative desires; and the perceived economic impact of zoning on the local community.

Summary

The results generally confirmed what was expected as to normative, future-policy positions for land use planning. The sample was very much in favor of preservation of natural and scenic resources, and that local government should have the right to regulate the use of land. There was, however, an inconsistency between the implications of preserving natural areas and economic growth of a community. While natural, environmental issues rated as a principal issue for future land use policy, a surprisingly high number of respondents said *encouraging industrial growth* should be a normative goal of zoning. Which of these would assume most importance (environmental protection or industrial growth) if there was a conflict, for example, is one of considerable speculation.

As to the effect of zoning on the economic development of the community, respondents generally were neutral or believe it may have a positive impact. A likely inference then is that zoning is both good and bad depending on location, circumstances (i.e., composition of population, property tax policy, access to transportation arteries and the like). For some communities zoning may help, others not.

On overall effectiveness of zoning, a little more than two-thirds of the respondents replying reported zoning had worked reasonably well in guiding land use development. Again, though there were variations depending on the economic base of the community.

Areas of Analysis

As has been indicated, the responses to the attitude questions varied. They ranged from natural-ecological land use issues to the perceived effect of zoning on economic development in the community to an overall effectiveness evaluation of zoning in the local community.

The purpose of the natural-ecological questions were to isolate how various types of communities in the state by type of economic base (agricultural, manufacturing-industrial, and commercial) felt about some major issues that could be labelled of state-wide importance. Two comparative bases are the urban-rural location and the personal income of the respondent.

The questions dealing with the dynamic effect of zoning on economic growth of the community and property values were designed to evaluate perception of the impact of zoning. However, due to the lack of any standards in the question for determining economic development, the data must be looked at with some caution. In all likelihood perceptions of economic growth probably differed from respondent to respondent. The question had no standardized categories to allow for these variations.

The questions on overall effectiveness were included for comparative purposes, for it was suspected that while many land use problems would be identified implicitly -- otherwise most governmental officials and observers would still give zoning a good evaluation. For example, one important finding of the survey was that a strong possibility exists that many Illinois communities exclude low-income families by among other actions through large lot sizes. However, one of the possible effectiveness categories of response was "zoning is fair to all persons." Compared with the large lot findings, this would not appear to be the case. This might then imply that many individuals in local government do not fully understand or care about the effects zoning can have either on their community or, more importantly, on regional land use and social issues. If this be the case, then a strong argument by direct inference can be made that the public in general will be even less informed and aware of the potential and actual impact of zoning on land use. For this latter issue, we were not able to develop extensive information in the survey. It would require at the minimum, a sample questionnaire to nonlocal government officials.

Results

Future Policy

A series of four questions provided the primary data base for developing a crude index of normative (what should be) policy feelings among respondents. They dealt with agricultural land, scenic-natural resources -- should local government have an influence in use of land -- urban development. Table 24 presents the straight frequency results for the questions.

Table 24. Normative Policy Statements

Acceptable Zoning Objective	Agree	Neutral	Disagree	No Opinion	Totals
Protection of Agricultural land	67.4% (486)	13.0% (94)	14.2% (102)	5.4% (39)	100.0% (721)
Government Control of Private Property	35.8% (262)	3.6% (26)	58.7% (429)	1.9% (14)	100.0% (731)
Protection of Scenic Natural Resources	94.6% (684)	2.8% (20)	1.8% (13)	0.8% (6)	100.0% (723)
Promotion of Orderly Urban Development	39.0% (276)	15.1% (107)	40.5% (286)	5.4% (38)	100.0% (707)

Of primary interest are the respectively high percentages for questions 3, 4 scenic natural resources and urban development. In areas of analysis, the potential conflict between the two in implementation was mentioned. The 94.6% figure and 39.0% would appear to bear out the possibility of such conflict.

Economic Base

Comparing the normative questions by economic base of the respondents' local community, agricultural and manufacturing-industrial areas felt urban development was relatively more important than those who lived in communities with a commercial economic base. Communities having a combination of two or more types of possible economic bases (University dominated and military communities were deleted in the analysis as were the no answers and inapplicables responses). For agricultural areas, the explanation is relatively simple -- they have lost a good portion of their fiscal base due to the decline of agriculture as a local tax resource. These communities desperately want industry so as to have something more than a subsistence economy.

Manufacturing-industrial base communities would appear to give urban development a high priority due to the probable high population concentrations in or near their community. Employment opportunities, consequently, would probably be a key consideration in most local governmental actions concerning land use. Further, the lack of open space or natural land or recreational facilities would correspondingly make people in these areas more interested in developing a better income so they could "escape" to more habitable surroundings.

Tables 25 and 26 display these figures for urban development and scenic natural resources.

Table 25. Urban Development for Industrial-Manufacturing Growth as a Normative Zoning Goal by Economic Base

Local Economic Base	<u>Possible Attitude Response Categories</u>			
	Agree	Neutral	Disagree	Totals
Agricultural	47.9% (113)	20.3% (48)	31.8% (75)	38.5% (236)
Manufacturing-Industrial	46.4% (70)	11.3% (17)	42.4% (64)	24.6% (151)
Commercial	27.8% (22)	12.7% (10)	59.5% (47)	12.9% (79)
Other	24.5% (13)	18.9% (10)	56.6% (30)	8.6% (53)
Two or More	39.4% (37)	11.7% (11)	48.9% (46)	15.4% (94)
Totals	41.6% (255)	15.7% (96)	42.7% (262)	100.0% (613)

For the question related to preservation of agricultural land and economic base, respondents from agricultural communities were understandably receptive to preserving agricultural land through land use planning (85% of those from agricultural areas agreed to the questionnaire statement). The range for other possible economical bases went from 58% to 70%. Overall 71.8% of the total response agreed to the question as stated, 14.4% did not when analyzed by community economic base.

Table 26. Preservation of Scenic and Natural Resources as
a Normative Zoning Goal by Economic Base

Local Economic Base	Possible Attitude Response Categories			
	Agree	Neutral	Disagree	Totals
Agricultural	86.2% (244)	3.2% (9)	1.8% (5)	37.8% (258)
Manufacturing-Industrial	94.5% (165)	2.4% (4)	0.6% (1)	26.8% (170)
Commercial	95.2% (80)	-	3.6% (3)	12.4% (83)
Other	98.1% (52)	1.9% (1)	-	7.9% (53)
Two or More	88.0% (95)	3.7% (4)	1.8% (2)	15.1% (101)
Totals	95.6% (636)	2.6% (18)		100.0% (665)

On the question of governmental control over land use, 60.6% of the total response *disagree* that the owner of land should have the right to determine its use without governmental control, 36% agreed. Respondents from agricultural communities had the highest relative and absolute responses as to agreement with the statement (60% of all agricultural responses agreed, constituting 24% of the total sample of 663 possible respondents).

Community Family Median Income

Viewing the response from the perspective of family median incomes for the respondents' communities produced no surprises. Those respondents with community median incomes of \$12,000 and over agreed in 100% of the cases that scenic and natural resource preservation should be a prime goal of zoning. However, respondents from areas with a 0 - \$3,500 income also believed that this was an agreeable statement 88% of the time.

With respect to urban development as a normative zoning goal, the community income range between \$3,500 and \$8,000 disagree most with the statement (18%). Within each possible income bracket, the \$12,000 and over group had the highest relative disagreement rate (60%) of all possible income ranges in the survey. Overall, the respondents when cross-tabulated by community family median income, split almost equally on the urban development statement -- 42.5% agreed, 42.2% disagreed, 15.3% were neutral on the subject.

On the issue that the owner of land should have the right to determine its use free from governmental restraints, the sample when broken down by median income of respondents' community disagreed in 60% of the cases to the statement. The \$8,000 to \$12,000 group was the strongest absolute "*disagreeer*" (83.2% of cases within the income range) and following the \$12,000 and over communities in relative disagreement (83%). As expected, the \$3,500 to \$8,000 community median income agreed most with the statement. Their agreement constituted 29% of the total number of cases for this tabulation, and 52% of the possible response within the range. Consequently, some 44% of respondents from communities with that given income disagreed with the statement, 4% were neutral. This rather definite split in attitude within the \$3,500 - \$8,000 range could probably be explained by location -- urban, rural.

Zoning and Economic Growth

As mentioned, it is likely that various types of respondents may have different perceptions of local economic growth due to zoning. The questions used were not structured to set any standards for economic growth to allow for this variation. It is even questionable that if some type of standards had been set, whether respondents would have had the necessary information to answer the query accurately. Consequently, the responses for this area of inquiry could be classified as "impressionistic."

Analyzing the data on this basis, most respondents felt zoning had either not affected local economic growth one way or the other or that it had had some positive value. Table 27 shows the straight frequencies for the primary question.

Table 27. Effect of Zoning on Economic Growth

	Numerical Response	Percentage Response
Increased	210	43.2
Not Affected	203	41.8
Discouraged	<u>73</u>	<u>15.0</u>
Totals	486	100.0%

Moving to a second perspective, respondents from manufacturing-industrial and commercial base communities perceived zoning had had the most favorable impact. Overall 44% perceived zoning to have had an advantageous economic effect. However, an almost equal number of respondents for the sample across all economic bases, as a whole, said zoning had not affected their community in any way economically (42%). Only some 14% of the total cases believed zoning had worked to the detriment of their community. Most respondents reported zoning had raised local property values (57%). Twenty-eight percent of the respondents perceived zoning had done nothing in any way for property valuations, while 2% said it had lowered them.

On the basis of perceptions of property values and economic development, 71.4% of the respondents believed zoning had raised values. Forty percent of the total sample felt zoning had both raised local valuations and exerted a positive economic influence.

Table 28. Effect of Zoning on Economic Growth by Effect on Property Values

Economic Growth	Property Values			Totals
	Raised	No Effect	Lowered	
Increased	92.5% (186)	7.5% (15)	0	43.2% (201)
No Affect	53.6% (104)	45.9% (89)	0.5% (1)	41.7% (194)
Discouraged	<u>60.0% (42)</u>	<u>28.6% (20)</u>	<u>11.4% (8)</u>	<u>15.1% (70)</u>
Totals	71.4% (332)	26.7% (124)	1.9% (9)	100.0% (465)

Combining the findings of change in economic and land development due to zoning, virtually all those who said zoning had a positive economic influence also reported zoning had aided the local land development process (97%). Thirty percent of all respondents analyzing zoning to have been a detriment to local economic development, also said it had hindered land development (this group constituted 4.4% of the total sample).

Looking at the findings from the basis of community family median income, the \$8,000 to \$12,000 group perceived zoning to have been most productive in furthering local economic growth. As could be expected, most of the lower income groups believed zoning had not done much of anything for the community. However, across all possible income ranges only 68 respondents (15% of the sample) felt zoning had discouraged economic growth.

Table 29. Family Median Income by Effect of Zoning on Economic Growth

	<u>Change in Economic Develop</u>			Totals
	Increased	Not Affected	Discouraged	
0 - \$3,500	(3)	(2)	0	1.1% (5)
\$3,500 - \$8,000	35.7% (71)	55.6% (110)	8.6% (17)	43.7% (198)
\$8,000 - \$12,000	51.6% (94)	29.7% (54)	18.7% (34)	40.2% (182)
\$12,000 and over	44.1% (30)	30.9% (21)	25.0% (17)	15.0% (68)
Totals	43.7% (198)	41.3% (187)	15.0% (68)	100.0% (453)

It would appear then that most respondents regarded zoning as a somewhat beneficial tool for guiding local economic growth or at least as having no negative or positive influence. Very few felt it had a detrimental impact. On the average respondents from communities with a commercial economic base or from areas with an \$8,000 and above median income gave zoning the best marks. If any generalizations can be made from these figures, it would be that zoning in the eyes of many local officials -- "informed" observers -- is working well enough to accommodate all types of economic development: from residential to commercial to industrial. At the same time, many officials and observers believed zoning was not doing much of anything but was regarded as static. Depending on the point of view, this latter fact could mean that zoning is in need of better coordination and implementation with other governmental tools to help improve among other considerations the local economic base.

The reader should remember though that the response is biased: it only consists of lawyers, mayors, some planners, city managers and a few other related groups of local municipal officials. Their interpretation might vary *considerably* from that of the local citizenry.

Current Policy

The majority of respondents felt that the goal of zoning as it now functions was "to encourage the use of all land in the manner best suited to the long-range goals of the local government." Preservation of natural resources was not a current goal of zoning as perceived by 70.3% of the respondents. Very few felt

agricultural land was being preserved through zoning. Table 30 has the frequencies for the five questions.

Table 30. Frequency Counts for Questions on Current Zoning Policies

Current Purposes	<u>Frequencies</u>		Totals
	Yes	No	
Preservation of agricultural land ?	15.1% (102)	84.9% (573)	100.0% (675)
Urban Development - A Current Goal?	35.7% (242)	64.3% (435)	100.0% (677)
Natural Resources - A Current Goal?	29.7% (200)	70.3% (474)	100.0% (674)
Industrial Development - A Current Goal?	34.8% (235)	65.2% (440)	100.0% (675)
Goals of Government = Goals of Zoning?	76.5% (618)	23.5% (159)	100.0% (677)
No Opinion.	10.8% (72)	89.2% (597)	100.0% (690)

Again, the high relative percentage for urban and/or industrial development as a current zoning policy is evident. Natural resource preservation apparently has a lower priority than the others except agricultural land protection.

The distribution of response changes somewhat when the independent variable becomes urban (SMSA) or rural (non-SMSA). The data in terms of number of cases was fairly evenly distributed between urban and rural respondents.

Both groups agreed that natural resource protection was of low current priority in zoning. Rural respondents perceived, though, more so than urban located respondents (respectively 15% to 8%), that zoning *was not* "encouraging the use of land best suited to the long-range goals of government." This may be explained by additional evaluation analysis that some respondents believed the courts, and especially subdividers were undermining good use of land. Urban and rural respondents varied only slightly in perception of industrial development being a current zoning policy, with 16% for urban based respondents and 19% for rural.

Across all income levels, 70% of the possible responses indicated that natural resource preservation was not a current zoning policy. Respondents from communities in the \$3,500 - \$8,000 bracket had the strongest reply (34.4%) of the total sample in this category. Within income ranges, and somewhat surprisingly, 59% of all those respondents living in communities with a \$12,000 and over median income did not believe local zoning was preserving the natural features of the area. These would seem to be the communities where the best chance would exist to conserve and preserve natural land formations, wooded areas and the like. This not being the case, it could be suggested that private developers are generally getting their way in developing land.

For industrial development across all income ranges 35% of the total possible questionnaire observations reported it was a current goal. This substanti- ally agrees with the frequency counts for the question. The same holds for

agricultural land preservation (15.4%) and natural resource preservation (69.9%). There is a 6% variation between the straight frequency count and the cross-tabulation for median community income vis-a-vis urban development. This would seem to be evidence that the questionnaire data was internally consistent for at least this set of questions (64.3% for frequency counts and 57.4% for median income cross tabulation).

Conclusions that might be drawn are two. First, that agricultural land and natural resources preservation are not very important in current zoning policy. Judging from the normative responses, respondents apparently would like to see this situation altered to the other end of the continuum. In terms of effectuating such a policy would more than likely require a complete shift in land use perspective -- i.e., to viewing the county or region as the primary land use planning base.

The second conclusion, and reflective of earlier discussion, is the apparent desire to encourage urban development. The question is what policy approach is to guide urban development? In short, how to preserve and conserve resources and scenic areas while making provision for an expanding economy. Apparently, and certainly no surprise, most respondents want both urban development and preservation of resources.

Effectiveness of Zoning

The fourth type of attitude question was an overall effectiveness evaluation of zoning. Its purpose consisted of collecting an opinion from each respondent on his perception and relating it to various problem areas. The frequency distribution for the question consisted of 63.1% agreeing that zoning had been effective; 12.5% were neutral; 14.2% did not believe zoning had been effective; and 10.2% did not have or care to express an opinion. Total number of observations was 664.

By community economic base, of all responses saying zoning had not been effective, those from agricultural based communities (7.0% of total sample) had the highest percentage, while manufacturing-industrial based area respondents believed it to be most useful (19.8% of the total). However, other agricultural based respondents also perceived zoning to be an effective tool (18.2%). In short, there was a definite split for agricultural area respondents over whether or not zoning has been effective. This would imply some definite disparities in the well-being of the state's nonSMSA areas.

Within various economic bases, commercial economies had the highest relative percentages of those who believed zoning to be effective. Agricultural based respondents were most often of all possible areas neutral on the question (25% of the time).

Moving to a second comparative base, an important finding relates to whether zoning favored any segment of the population. The results are displayed Table 31.

The rather large number of replies in the category, "Fair to All," is significant. As an effectiveness evaluator of zoning from a social point of view, better than half the questionnaire respondents perceived zoning as fair. Dropping the no opinion replies, the percentage is almost three-fourths.

Table 31. Frequencies for Question - Does Zoning Favor
Any Segment of the Population

Categories of Response	Distribution		Adjusted Percent
	Numerical Response	Percentage Response	
Large Landowners	71	11.2%	14.8%
Small Landowners	42	6.6%	8.7%
Governmental Interests	24	3.8%	5.0%
Fair to All	343	54.1%	71.5%
No Opinion	<u>154</u>	<u>24.3%</u>	<u>--</u>
Totals	634	100.0%	100.0%

This finding is important when related to the results under minimum lot sizes, mobile homes -- to a lesser extent, the effect of zoning on economic land development and property values. For the former two, data presented in earlier sections of the report raised a strong possibility that many communities exclude and discriminate against lower-income families. It may be, though, judging from the present findings, that many local officials do not believe their actions are discriminatory. This can be explained from two vantage points.

One, that local officials and active participants do not understand the impact of their actions, or if they do, the point of analysis is their own income class or that portion of the community they are most familiar with. This leads to the second possible explanation, and what we believe to be more likely the case. That is, that the respondents do not fully appreciate the *regional effects* of many small communities independently creating and administering land use policy. The result is a situation where the "have nots" of society are again left out. Housing opportunities are substantially denied through the process.

A publication by the Urban League entitled, *The Racial Aspects of Urban Planning*, succinctly summarized the situation with respect to the Chicago Comprehensive Plan (labelled at the time as the most innovative, complete, and far-reaching social policy program plan yet developed in the country). They said

...neither civil rights organizations nor the Department of Development and Planning have specified the relationship of racism in the city's institutions to land-use arrangements. They fail to see the technical details in the land-use aspects of racism, although both recognize it as a major social problem. The fundamental reason these technical linkages do not exist is that neither the technicians nor the power structure have yet considered the problem important enough.

The city has not encouraged the participation of the civil rights groups in the planning process. In turn, physical planning remains a low priority objective for them. Only in the last year have segments of the movement developed a sensitivity to the broader problems of city and metropolitan planning. Some community groups have made beginnings at advancing planning for their own neighborhood.

If this evaluation is applicable to most local land use regulation programs, there would appear a strong mandate for action by the state, it lies in the area of educating both the citizenry and many public agencies to the effects of land use policy on the region and working towards a total program of eliminating the economic and racial discrimination in all areas of public land use policy.

For the latter (effect of zoning on economic-land development policy and property values), many officials and observers perceived zoning to be effective. However, the survey did not touch upon the lower-income groups in any detail. By inference, however, it would certainly be probable (more likely the case) that these groups do not feel the positive effects of economic development brought about by zoning. For one reason or another, what possible benefits they may derive are negated due to housing, or traveling distance to jobs, or property taxation.

Effectiveness of zoning would then appear to be a highly relative situation tangential upon many attitude variables, economic circumstances and location.

Conclusions

It would be difficult to draw any dominating themes out of the attitudes section. The best perspective can be obtained through looking at each of the above areas and its relationship to zoning. This is what we have attempted to do. Weaknesses in the evaluation criteria occur in relating to perceptions of dynamic change in the economic development of the community. More rigorous analysis could be performed using the soon-to-be released Census Data for 1970. The strongest analysis probably lies in the area of normative attitudes and overall effectiveness merely by the fact they strongly conform to prevailing attitudes and studies. What is needed now is action on several related land use policy fronts to try new approaches and techniques in improving the developing and continual administration of land use law.

PROCEDURE AND DECISION-MAKING

Certainly less controversial than minimum lot size requirements or mobile homes, and less urgent and esoteric than the preservation of our environment, the whole complex of local procedure and decision-making is nevertheless a vital area of concern. It is the day-to-day operation of local land use regulations, and is perhaps a direct manifestation to the citizens of the operation of their local government in an area of intense personal interest, namely property rights.

It makes little difference if a community possesses the most up-to-date land use regulation techniques, if these techniques are not administered in an equal, efficient atmosphere which is relatively free of conflict. If such is the case the best intentions of a zoning ordinance or an official plan can be perverted to the detriment of the community.

One reason for the investigation of this nuts and bolts, yet complex, issue was the number of respondents who indicated frustration with the procedure and decision-making process in the additional comment section of the questionnaire. Specifically, the problem seemed to center around conflict between local

governmental bodies such as the City Council, Zoning Board of Appeals, and Plan Commission each of which tries to maintain a dominant position in the decision-making process. One possible hypothesis would be that the more sophisticated and professionalized this area in a community, the greater the amount of conflict that would be generated by the overturning of zoning recommendations by the decision-making body. The following analysis tries to empirically explore this contention.

Areas of Analysis

1. Recommendations and Decisions

The respondents were asked to indicate which governmental body in their community made recommendations and which made decisions for issuing permits, granting amendments and variances, issuing violation notices, and prosecuting violators. Such an inquiry was designed to illustrate the power configurations and the normal flow of zoning decisions in communities, and was considered to be important since it reflected concern expressed by some respondents over intragovernmental conflicts, particularly between the City Council, the Plan Commission and the Zoning Board of Appeals.

2. Recommendations Vetoed by Local Government

This is a companion question to the first area of analysis. The fact that different governmental bodies recommend and decide on issues does not necessarily indicate conflict or frustration. For example, all recommendations forwarded to the City Council by the Zoning Board of Appeals and Plan Commission could meet with a favorable reception. Hence, the question of how many times recommendations were vetoed by local government, and a corollary concerning feelings of frustration, were intended to reveal this distinction.

3. Procedural and Decisional Delay

This is a matter of significant concern as indicated by the respondents and by the fact that many questions in the survey were addressed to this issue. Some of the questions addressed to this aspect of zoning were very explicit, such as whether a failure to achieve a quorum ever caused delay in zoning decisions; average hearing time; whether more than one hearing was required for such procedures as variations and special uses; and the frequency of time delays for decisions on such procedures as amendments and appeals. On a less explicit level the respondents were asked whether in their opinion petitioners were generally well-prepared. A negative response could indicate needless delay on the most elementary of levels.

In order to determine whether specific characteristics relating to the procedure and decision-making process followed any particular pattern, the foregoing questions were run in cross-tabulation with the following independent variables: membership in an SMSA; the existence of an official plan; the community family median income; and the community population. In this manner, for example, it would be possible to see whether an excessive delay was concentrated in small communities with no official plan, in their larger counterparts, or followed no particular pattern.

Results

1. Recommendations and Decisions

In this area there is an expected similarity across all the independent variables as to which governmental body recommends and which decides on zoning issues. The governmental bodies or individuals considered are: the Plan Commission; the Zoning Board of Appeals; the Building Inspector; the City Attorney; and the City Council. There is a difference, however; in the pattern for recommendations and decisions when different aspects of zoning, such as amendments and variances, are considered.

(a) Permits

The Building Inspector holds the dominant position regarding the recommendation of the issuance of permits. For example, whether or not a community is located in an SMSA, the Building Inspector recommends in the vast majority of cases as illustrated in Table 32. For clarity's sake only the two most influential governmental bodies are shown.

Table 32. Permit Recommendation

<u>SMSA</u>	<u>Building Inspector</u>	<u>City Council</u>	<u>Row Total</u>
Yes	77.4% (199)	2.3% (6)	257
No	62.0% (103)	12.0% (20)	<u>166</u>
Total			<u>423</u>

It is also clear for the table that the City Council has much more recommendation powers regarding permits in rural areas. This could either be because of a lack of a building inspector in these areas or because of the dominance of the city council at all levels of government.

However, when the decisions regarding permits are made, the City Council gains a great deal of power although the Building Inspector still holds the dominant position as shown in Table 33.

Table 33. Permit Decision

<u>SMSA</u>	<u>Building Inspector</u>	<u>City Council</u>	<u>Row Total</u>
Yes	63.0% (179)	22.8% (65)	274
No	54.4% (92)	36.6% (62)	<u>169</u>
Total			<u>443</u>

Again, the City Council shows a greater influence in rural areas.

(b) Amendments

In this area regarding recommendations, the Plan Commission and the Zoning Board of Appeals share powers, although in smaller communities and rural areas the City Council plays a large part in the process. This is demonstrated in Table 34, condensed from the data of two independent variables; membership in an SMSA, and the existence of an official plan.

Table 34. Amendment Recommendation

SMSA	Planning Commission	Zoning Board of Appeals	City Council	Row Total
Yes	43.3% (110)	47.6% (121)	6.6% (17)	254
No	47.8% (79)	30.3% (50)	14.5% (24)	<u>165</u>
Total				<u>419</u>
Official Plan				
Yes	53.7% (175)	37.4% (122)	4.9% (16)	326
No	22.9% (25)	49.5% (54)	22.9% (25)	<u>109</u>
Total				<u>435</u>

As would be expected since amendments are a legislative process, the City Council holds the dominant position in decision-making in this area. Using the same independent variables, the relationship is expressed in Table 35.

Table 35. Amendment Decision

SMSA	Planning Commission	Zoning Board of Appeals	City Council	Row Total
Yes	1.7% (5)	8.1% (23)	89.7% (255)	284
No	3.4% (6)	8.7% (15)	86.6% (149)	<u>172</u>
Total				<u>456</u>
Official Plan				
Yes	2.8% (10)	5.0% (18)	91.9% (329)	358
No	0.9% (1)	20.0% (23)	78.3% (90)	<u>115</u>
Total				<u>473</u>

The data are remarkably consistent, except that when there is no official plan, the Zoning Board of Appeals retains a considerable amount of decision-making power.

(c) Variances

In the case of variances a similar pattern emerges across all independent variables. The Zoning Board of Appeals has the greatest recommendation power as illustrated in Table 36 which uses the official plan as an independent variable.

Table 36. Variance Recommendation

Official Plan	Planning Commission	Zoning Board of Appeals	City Council	Row Total
Yes	17.7% (59)	71.1% (236)	2.7% (9)	332
No	7.8% (9)	69.6% (80)	11.3% (13)	<u>115</u>
Total				447

It is interesting to note that in areas which have no official plan, which tend to be smaller, rural areas, the City Council again has a relatively large amount of recommendation power. Of course, in this case it could also be because these areas have no Plan Commission, and the City Council acts in this capacity.

The City Council holds the greatest amount of decision-making power regarding variances, and this is very similar regardless of whether or not an official plan exists as demonstrated in Table 37.

Table 37. Variance Decision

Official Plan	Planning Commission	Zoning Board of Appeals	City Council	Row Total
Yes	2.0% (7)	37.4% (133)	60.7% (216)	356
No	0.9% (1)	40.0% (46)	56.5% (65)	<u>115</u>
Total				471

(d) Violations

Using membership in an SMSA as the independent variable, the Building Inspector makes the most recommendations regarding issuing violations.

Table 38. Violation Recommendation

SMSA	Zoning Board of Appeals	Building Inspector	City Attorney	City Council	Row Total
Yes	3.9% (10)	87.3% (221)	1.9% (5)	5.5% (14)	253
No	7.6% (13)	66.8% (113)	6.5% (11)	11.8% (20)	<u>169</u>
Total					422

Apparent in Table 38 is the pattern mentioned earlier that in rural areas the City Council has proportionately more recommendation powers than their urban neighbors.

In this case this pattern is carried over to decision-making regarding issuing violations.

Table 39. Violation Decision

SMSA	Zoning Board of Appeals	Building Inspector	City Attorney	City Council	Row Total
Yes	5.1% (14)	51.1% (139)	14.3% (39)	27.9% (76)	272
No	8.6% (14)	26.0% (42)	17.3% (28)	45.9% (74)	<u>161</u>
Total					<u>433</u>

From Table 39 it is clear that while in urban areas the Building Inspector holds the greatest decision-making power, in rural communities the City Council has this honor. This may indicate a basic defect of excessive politicizing of ordinance administration.

(e) Prosecuting Violators

For all independent variables the Building Inspector is the official who most often recommends prosecuting violators, although in rural areas with no official plan, the City Council also has a strong position as shown in Table 40.

Table 40. Prosecuting Violators Recommendation

SMSA	Building Inspector	City Attorney	City Council	Row Total
Yes	59.6% (152)	21.1% (54)	12.1% (31)	255
No	49.3% (79)	16.9% (27)	20.0% (32)	<u>160</u>
Total				<u>415</u>
Official Plan				
Yes	60.1% (193)	19.6% (63)	12.1% (39)	321
No	43.9% (46)	16.0% (17)	27.4% (29)	<u>106</u>
Total				<u>427</u>

In the decision-making process a clear dichotomy emerges between rural localities and those having no official plan, and between urban communities and those having an official plan. In the former, the City Council decides to prosecute violators in the majority of cases, while in the latter the City Attorney has this responsibility. The relationship is demonstrated in Table 41.

Table 41. Prosecuting Violators - Decisions

SMSA	Building Inspector	City Attorney	City Council	Row Total
Yes	6.3% (17)	49.6% (135)	41.5% (113)	272
No	3.6% (6)	42.1% (70)	52.4% (87)	<u>166</u>
			Total	<u>438</u>
Official Plan				
Yes	5.9% (20)	51.3% (175)	41.6% (142)	341
No	3.6% (4)	38.1% (42)	51.8% (57)	<u>110</u>
			Total	<u>451</u>

(f) Summary

Several things are clear from the amount of data presented in Table 41. Although the City Council seems to predominate in the decision-making process only in relation to amendments and variances, it seems also to have a recognizable position in the other areas as well as recommendations. This is especially true for rural areas which also tend to have no official plan, as opposed to larger urban areas which tend to have official plans. The situation of the former is most likely due to the fact that these areas do not have as many governmental bodies to share these duties.

However, if the Council spends as much time on zoning matters as it appears to, this could indicate that the legislative body is potentially spending too much time on routine zoning matters that could be handled elsewhere at the expense of other important considerations. This question will be explored later in this section.

2. Recommendations Vetoed by Local Government

Despite the fact that the City Council has such control over zoning recommendations by other governmental bodies and individuals, the frequency of incidents in which recommendations were overridden by the City Council proved to be very few. This was true across all independent variables.

Taking the existence of an official plan as an example, the relationship is shown in Table 42 below.

Table 42. Recommendations Vetoed by Local Government

Official Plan	Never	1-5 times	6-10 times	11-20 times	Row Total
Yes	44.2% (182)	47.0% (159)	6.3% (18)	2.5% (7)	366
No	75.4% (96)	23.1% (30)	1.5% (4)	0.0% (1)	<u>131</u>
				Total	<u>497</u>

From the data on *all* the cross-tabulations with the independent variables, small, rural areas with less advanced land use techniques, the figure of approximately 75% never having recommendations vetoed remains constant. For larger, urban, more sophisticated areas the comparable figure remains close to 50%. This differential seems intuitively correct since the latter type of municipality would tend to have more complex land use controls subject to differing interpretations and pressures. However, when the "Never" and "1-5 times vetoed" categories are combined, the percentages rises to over 90% for all types of communities across all independent variables, except for localities with greater than 20,000 population. This data are condensed in Table 43.

Table 43. Recommendations Vetoed Five Times or Less

Official Plan	5 Times or Less	Row Total
Yes	93.1%	(341)
No	96.1%	(126)
SMSA		
Yes	91.2%	(260)
No	98.5%	(192)
Community Population		
0-5,000	100.0%	(196)
5-10,000	98.8%	(84)
10-20,000	100.0%	(74)
20,000 +	80.3%	(118)

The data would seem to indicate little potential for conflict in any of these areas.

The question regarding tinges of frustration over vetoed recommendations provides no clear cut trend either way. For instance for the SMSA independent variable, vetoed recommendations have an equal chance of causing or not causing frustration.

Table 44. Frustration Caused by Vetoed Recommendations

SMSA	Yes	No	Unknown	Row Total
Yes	42.5% (71)	48.5% (81)	8.9% (15)	167
No	44.0% (22)	48.0% (24)	8.0% (4)	<u>50</u>
Total				<u>217</u>

The data are essentially the same for all other independent variables. Thus the fact that the City Council does not appear to overexercise its

veto power, and the rather ambivalent data on frustration, we would tend to suggest that what frustration does occur could be the result of personal conflicts and political pressures, as well as any inherent defect in the recommendation and decision-making processes.

3. Procedural and Decisional Delay

(a) Zoning Decisions Delayed without a Quorum

Across all independent variables the great majority of respondents indicated that zoning decisions were not delayed because of the lack of a quorum as shown in Table 45 below using family median income as the example independent variable.

Table 45. Zoning Decision Delayed Due to Lack of Quorum

Family Median Income	Yes	No	Unknown	Row Total
0-\$8,000	28.1% (63)	65.6% (147)	6.3% (14)	224
\$8,000 +	27.4% (74)	68.9% (186)	3.7% (10)	<u>270</u>
			Total	494

However, it is also disturbing to note that *over 25%* of the respondents in both categories answered positively. Indeed using community population as the independent variable, the figures rise to 40.5% and 30.9% for municipalities of 10-20,000 and 20,000 and over population respectively. These statistics indicate a delay and inefficiency on an elementary level and for a needless reason.

(b) Average Hearing Time

In this area there are great differences across all the independent variables, and thus it is difficult to identify a *type* of community regarding average hearing time. The closest one can come is to state that wealthier or urban areas have longer average hearing time than their less wealthy or rural counterparts. These data are summarized in Table 46.

Table 46. Average Hearing Time

SMSA	5-30 minutes	30 minutes +	Row Total
Yes	34.4% (103)	65.6% (196)	299
No	52.2% (95)	47.8% (87)	<u>182</u>
		Total	<u>481</u>

Family Median Income	5-30 minutes	30 minutes +	Row Total
0-\$8,000	52.4% (108)	47.6% (98)	206
\$8,000 +	28.6% (76)	71.4% (190)	<u>266</u>
		Total	472

For the rural or less wealthy municipality, the differential between average hearing time categories is less strong than for the urban or wealthier community. On the other hand, whether or not an official plan exists, the majority of respondents indicated an average hearing time of more than 30 minutes. The same trend is true for all categories of population size.

(c) More than One Hearing Needed

For all the independent variables and for all the types of zoning decisions considered; variations, special uses, exceptions, and amendments the data are remarkably similar. For all these areas the respondents indicated that in the vast majority of cases no more than 1 hearing was needed. This relationship is demonstrated in Table 47 using the Official Plan for the independent variable as an example.

Table 47. More than One Hearing for Variations

Official Plan	Yes	No	Row Total
Yes	14.6% (56)	85.4% (327)	383
No	7.8% (10)	92.2% (118)	<u>128</u>
			Total 511

However, from the data one can also see the general trend discussed earlier that wealthier, larger, municipalities with more complex land use techniques seem to experience more procedural and decisional difficulties than their counterparts. This relationship is seen clearly in Table 48 and Table 49.

Table 48. More than One Hearing for Special Uses

Family Median Income	Yes	No	Row Total
0-\$8,000	19.1% (39)	80.9% (165)	204
\$8,000 +	37.6% (96)	62.4% (159)	<u>255</u>
			Total 459

Table 49. More than One Hearing for Amendments

Community Population	Yes	No	Row Total
0-5,000	19.7% (34)	80.3% (139)	173
5-10,000	27.7% (23)	72.3% (60)	83
10-20,000	37.5% (30)	62.5% (50)	80
20,000 +	46.6% (76)	53.4% (87)	<u>163</u>
			Total 496

The last set of data demonstrates the point well. As community size increases, the percent of respondents claiming no more than one hearing is needed steadily decreases and vice versa. The fact that larger, wealthier municipalities have a greater potential for delay is probably due to more complicated ordinances and plans, more vested interests that must be heard, and quite simply a greater possibility of organized protest by citizen groups.

(d) Frequency of Time Delays

The results of this category for amendments, appeals and variances is difficult to interpret since the percentage of responses for the possible answers (frequently, sometimes, hardly ever, and never) are very evenly spread for all the independent variables.

Using amendments as an example, it does appear that less wealthy, rural areas with no official plan tend to have a greater chance of escaping time delays than do their larger counterparts when only the categories frequently and never are considered. The largest percent of responses fall in the two categories sometimes and hardly ever. However, for the sake of clarity these categories have been omitted in Table 50 below in order that the relationship discussed above may be more apparent.

Table 50. Frequency of Time Delays for Amendments

<u>Family Median Income</u>	<u>Frequently</u>	<u>Never</u>	<u>Row Total</u>
0-\$8,000	16.0% (29)	18.2% (33)	181
\$8,000 +	26.6% (68)	7.8% (20)	<u>256</u>
			Total 437

The results are similar for appeals and variances.

(e) Preparation of Petitioners

For all the independent variables, the great majority of respondents (over 60% in all cases) reported that petitioners were well prepared as illustrated in Table 51 using the Official Plan as the independent variable.

Table 51. Petitioners Well Prepared

<u>Official Plan</u>	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Row Total</u>
Yes	68.1% (260)	22.5% (86)	9.4% (36)	382
No	62.8% (81)	20.2% (26)	17.1% (22)	<u>129</u>
				Total 511

However, looking at the data in a different way, of those stating petitioners were not well-prepared, a significant number were from urban

areas and municipalities that had an official plan. The figures are 58.3% in the former case, and 74.7% in the latter.

(f) Amount of Time Spend on Zoning by the Local Governing Body

The percentage of time set for a questionnaire standard was 30% of the meeting time. Again the independent variables did not affect the results. The vast majority of respondents indicated that zoning did not consume over 30% of the meeting time as demonstrated in Table 52 using membership in an SMSA as the independent variable.

Table 52. Zoning Taking 30% of Meeting Time

SMSA	Yes	No	Unknown	Row Total
Yes	23.8% (73)	73.6% (226)	2.6% (8)	307
No	10.8% (22)	82.4% (168)	6.9% (14)	<u>204</u>
Total				<u>511</u>

However, as has been noted previously many times larger, wealthier areas with an official plan seem to experience a greater amount of delay with zoning matters. Specifically of those respondents stating zoning consumed over 30% of the meeting time, 80% also had an official plan.

PLANNING AND ZONING

One of the areas of concern emphasized by the Zoning Laws Study Commission has been the functional relationship between zoning and planning. The Commission, professional planners and many of the respondents recognized that for zoning to be truly effective, it must be based on the overall strategy of a plan.

It is extremely unfortunate that many people still regard planning, zoning, and their interaction with an apprehension that at times, approaches fear. What must be understood and what must be adequately explained is that these techniques when used properly do not unreasonably violate property rights or freedom, but instead offer protection for the benefit of the entire community and a logical statement of the potential for growth within that community. Ideally neither a zoning ordinance nor an official plan is an irreversible blueprint for future development but a guideline against which proposals must be measured in order to insure that they do not violate the direction in which the municipality wishes to go. In this respect they are flexible documents designed to be revised or completely changed if and when the conditions under which they were adopted change also. In order to insure this necessary trait of flexibility, official plans and zoning ordinances should be reviewed and revised if needed at stated fixed intervals.

For larger municipalities that have both a zoning ordinance and an official plan, their operation becomes more complex as they must be coordinated in order to insure their effective use. A zoning ordinance enacted prior to the adoption of the official plan and not subsequently revised can completely negate

whatever policy the official plan is intended to express. Indeed, taking an extreme example, the uncoordinated operation of these two documents could be so severe as to actually work to the detriment of the community that created them.

Areas of Analysis

The survey did not attempt to elicit opinions from the respondents on the relationship between zoning and planning, but instead asked objective questions on the status of planning and zoning in their communities. These responses could then be correlated by cross-tabulation in order to analyze the relationship between planning and zoning.

1. Presence of County Planning and Zoning

The questionnaire did not cover county planning and zoning as a separate area. However, it was felt useful to know whether those communities that had planning and/or zoning also had to operate within the influence of county planning and zoning. Hopefully, this would reveal the development and sophistication of types of planning and zoning alliances in Illinois. Interest in this area was also heightened by the complaints of some respondents in the additional comments over the conflict of planning and zoning powers of the county and municipality.

The existence of county zoning, a county planning staff, single- and multi-county planning was related to the community characteristics of the existence of an official plan and zoning ordinance, and membership in an SMSA.

2. Community Characteristics

This section attempts to delineate the common characteristics of communities that have planning and/or zoning in order to see if a pattern exists. Revision of the plan and zoning ordinance, plus the existence of a full-time planning staff are also considered. The independent variables used in analyzing the data, are membership in an SMSA, community population, and community family median income.

3. Planning and Zoning

Using the presence of an official plan as the primary independent variable, the relationship between the zoning and the official plan, the year in which the plan was adopted, and the time since the zoning ordinance had last been revised was analyzed.

Results

1. Presence of County Planning and Zoning

(a) County Zoning

County zoning is strongly related to the existence of a municipal ordinance, location in an SMSA, and less so on the presence of

an official plan. This relationship using the municipal zoning ordinance as the independent variable is illustrated in Table 53.

Table 53. Presence of County Zoning

Local Zoning Ordinance	Yes	No	Row Total
Yes	79.4% (411)	20.7% (107)	518
No	29.1% (60)	70.9% (146)	<u>206</u>
		Total	724

Looking at the data in a different way, 87.3% of those that had county zoning also had local zoning, thus indicating a potential for conflict that was mentioned by the respondents.

Using the municipal local plan as an independent variable, the relationship described above is duplicated. However, when a municipality possesses no official plan, there is an almost equal chance that county zoning is or is not present, 49.5% and 50.5%, respectively.

(b) Single-County Planning

Across all independent variables the majority of respondents reported the presence of single-county planning. In fact, carrying the analysis one step further, whether or not a community had a zoning ordinance, an official plan, or was a member of an SMSA, single-county planning existed. The relationship is demonstrated in Table 54 below.

Table 54. Single-County Planning

Official Plan	Yes	No	Row Total
Yes	79.3% (318)	20.7% (83)	401
No	67.1% (206)	32.9% (101)	<u>307</u>
		Total	708

As is illustrated by the table and is true for the other independent variables as well, is that the tendency for single-county planning is stronger if the independent variable (i.e., a local official plan) is recorded as present by a respondent for his community. However, it is also clear that the presence of single-county planning is not particularly dependent on the sophistication of land use techniques of its constituent parts.

(c) Multi-County Planning

Conversely multi-county planning does seem to be dependent on the sophistication on its localities, especially for the SMSA variable. This latter relationship is shown in Table 55.

Table 55. Multi-County Planning

<u>SMSA</u>	<u>Yes</u>	<u>No</u>	<u>Row Total</u>
Yes	84.6% (280)	15.4% (51)	331
No	12.5% (49)	87.5% (344)	<u>393</u>
Total			<u>724</u>

Using the local zoning ordinance as the independent variable the data take the form presented in Table 56.

Table 56. Multi-County Planning

<u>Local Zoning Ordinance</u>	<u>Yes</u>	<u>No</u>	<u>Row Total</u>
Yes	56.8% (294)	43.2% (224)	518
No	17.0% (35)	83.0% (171)	<u>206</u>
Total			<u>724</u>

Viewing the data in a different manner, 85.1% of those reporting multi-county planning, also were located in an SMSA. The high correlation between membership in an SMSA and multi-county planning can be explained in the nature of an SMSA. They frequently extend across county lines, act as a unit for census data collection, and would thus appear to be most easily incorporated into multi-county associations. The high response rate from the Chicago areas is also reflected in these statistics.

(c) Full-Time County Planning Staff

Except for the official plan variable, a full-time county planning staff is highly correlated with the presence of a local zoning ordinance, and membership in an SMSA as demonstrated in Table 57.

Table 57. Full-Time County Planning Staff

<u>Local Zoning Ordinance</u>	<u>Yes</u>	<u>No</u>	<u>Row Total</u>
Yes	72.2% (374)	27.8% (144)	518
No	29.6% (61)	70.4% (145)	<u>206</u>
Total			<u>724</u>

In fact 86.0% of the respondents reporting a full-time planning staff also had a local zoning ordinance.

Using the official plan as the independent variable, if the community had an official plan the previously established pattern holds. However, if the locality has no official plan, there is an almost equal chance of having or not having a full-time county and planning staff.

(e) Summary of County Characteristics

From the data presented above it is clear that county zoning, multi-county planning, a full-time county planning staff, and to a lesser extent single-county planning, are a reflection of a general level of sophistication in urban areas determined by the existence of a local zoning ordinance and plan. This situation verifies the potential for conflict between local and county authorities mentioned by the respondents and emphasizes the need for cooperation and coordination.

2. Community Characteristics

(a) Presence of a Zoning Ordinance

The presence of a local zoning ordinance is clearly correlated with a family median income of greater than \$8,000 annually, a large population, and to a lesser extent membership in an SMSA. As community population increases the chances of having a zoning ordinance increase from an equal possibility to almost a certainty as illustrated in Table 58.

Table 58. Local Zoning Ordinance

Community Population	Yes	No	Row Total
0-5,000	50.5% (204)	49.5% (200)	404
5-10,000	87.9% (87)	12.1% (12)	99
10-20,000	97.6% (81)	2.4% (2)	83
20,000 +	99.4% (170)	0.6% (1)	<u>171</u>
		Total	<u>757</u>

If the community is a member of an SMSA, the chances are great that there is also a municipal zoning ordinance. If the locality is not in an SMSA, the possibility of having or not having a zoning ordinance is about equal as shown in the following table.

Table 59. Local Zoning Ordinance

SMSA	Yes	No	Row Total
Yes	94.6% (313)	5.4% (18)	331
No	52.2% (205)	47.8% (188)	<u>393</u>
		Total	<u>724</u>

However, using a different perspective, 60.4% of all communities having a zoning ordinance are in an SMSA, while 9.13% of the municipalities having no ordinance are not located in an SMSA.

(b) Time since Zoning Ordinance Revised

The results for this topic are difficult to interpret since the responses are quite evenly spread over all the possible answers. It is correct to say that larger, urban, more wealthy municipalities tend to have a greater percent of zoning ordinances that have not been revised in six or more years than their smaller rural, less wealthy counterparts. This is illustrated below in Table 60.

Table 60. Time since Zoning Ordinance Revision

Community Population	0-2 years	3-5 years	6+ years	Unknown	Row Total
0-5,000	43.2% (86)	21.1% (42)	32.2% (64)	3.5% (7)	199
5-10,000	48.8% (42)	19.8% (17)	31.4% (27)	0.0% (0)	86
10-20,000	25.0% (20)	22.5% (18)	51.3% (41)	1.3% (1)	80
20,000 +	19.9% (33)	28.9% (48)	51.2% (85)	1.8% (3)	<u>166</u>
Total					531

There is a factor that could bias this trend. It could be that the urban, large, wealthy communities are not more negligent than smaller, rural communities, but only that the latter have just begun to enact zoning ordinances.

(c) Presence of an Official Plan

Whether or not a community has an official plan seems to be dependent on the presence of the independent variables. This relationship is illustrated in Table 61 using family median income as the independent variable.

Table 61. Presence of Official Plan

Family Median Income	Yes	No	Row Total
0-\$8,000	42.8% (179)	57.2% (239)	418
\$8,000 +	77.8% (214)	22.2% (61)	<u>275</u>
Total			693

It is also clear from the table that the relationship is not as strong as for the communities with a median income of less than \$8,000. Including the other independent variables in the analysis, if a community is located in an SMSA; has a population over 5,000; and a median income over \$8,000; over 70% of the time, it will also have an official plan.

(d) Revision of the Plan

Across all independent variables, the respondents indicated that the plan had never been revised in over 60% of the cases. However, if the community was larger and located in an SMSA, there was a slightly better chance that the plan had been revised than if this were not true. This fact is demonstrated in Table 62 below.

Table 62. Revision of the Official Plan

Community Population	Yes	No	Row Total
0-5,000	10.0% (12)	90.0% (108)	120
5-10,000	23.4% (18)	76.6% (59)	77
10-20,000	33.3% (21)	66.7% (42)	63
20,000 +	38.8% (50)	61.2% (79)	<u>129</u>
		Total	389

(e) Local Full-Time Planning Staff

As might be expected, except for large communities (population over 20,000), the great majority of respondents (over 70%) indicated that they had no full-time planning staff. This is demonstrated in Table 63 below using membership in an SMSA as the independent variable.

Table 63. Local Full-Time Planning Staff

SMSA	Yes	No	Row Total
Yes	25.8% (84)	74.2% (242)	326
No	5.8% (22)	94.2% (356)	<u>378</u>
		Total	704

However, it can also be seen from the data that municipalities located in an SMSA have a proportionately greater chance of having a planning staff than their rural neighbors. This result was to be expected since it is the larger communities that have the most pronounced need and resources to establish a full-time planning staff.

3. Planning and Zoning

It is clear from the results that the presence of an official plan and zoning are highly correlated, although if there is an official plan there is a stronger tendency for the same municipality to have a zoning ordinance. If the town has a zoning ordinance, it is not as likely to also have an official plan. This relationship is summarized in the two tables following.

Table 64. Presence of an Official Plan

Local Zoning Ordinance	Yes	No	Row Total
Yes	74.2% (397)	25.8% (138)	535
No	12.9% (27)	87.1% (183)	<u>210</u>
			745

Table 65. Presence of Local Zoning Ordinance

Official Plan	Yes	No	Row Total
Yes	93.6% (397)	6.4% (27)	424
No	43.0% (138)	57.0% (183)	<u>321</u>
		Total	745

This is hardly surprising since an official plan is a more sophisticated type of development control and would seem to naturally follow the enactment of a zoning ordinance.

From analyzing the data for the year in which the official plan was adopted and the time since the zoning ordinance had been revised, it became clear that there was no accurate way to infer whether the zoning ordinance was enacted prior to the official plan or whether it had been revised since the advent of the official plan.

It is of interest to note that most of the local official plans had been adopted after 1950, with particularly numerous enactments after 1960. This information is presented in Table 66 below.

Table 66. Year of Official Development Plan

	1920-49	1950-59	1960-64	1965-69	1970-71	Row Total
Official Plan	3.6% (13)	16.5% (60)	27.4% (90)	39.8% (145)	13.2% (48)	365

It is also true that those areas not located in an SMSA have more recent official plans as shown in Table 67. This probably reflects three trends: the growing recognition of the importance of planning; the requirements of the federal government for an adopted plan before any funds are dispensed; and the federal funds made available for plan-making under Section 701 of the Housing Acts, particularly since 1960.

In determining the time elapsed since a zoning ordinance revision using the existence of an official plan as the independent variable, it

Table 67. Year of Official Development Plan

SMSA	1920-29	1950-59	1960-64	1965-69	1970-71	Row Total
Yes	5.5% (11)	20.5% (41)	29.1% (58)	33.7% (67)	11.1% (22)	199
No	0.0% (0)	9.7% (14)	24.7% (36)	48.7% (71)	17.1% (25)	<u>146</u>
Total						345

became clear that the greatest percentage of responses fell in the category of "six or more years" as illustrated in Table 68.

Table 68. Time since Zoning Ordinance Revision

Official Plan	0-2 years	3-5 years	6 + years	Unknown	Row Total
Yes	34.4% (134)	24.6% (96)	40.0% (156)	1.0% (4)	390
No	31.7% (44)	20.1% (28)	41.7% (58)	5.0% (7)	<u>139</u>
Total					529

Viewing the data in a different way, 40.6% of the total sample had not had a substantial revision of the zoning ordinance in over six years, and of those having an official plan, the figure rose to 72.9%. Thus, although there was no direct way of telling which came first, the plan or the zoning ordinance, the above data would tend to suggest that there is a distinct possibility that a substantial number of official plans in Illinois must work under the handicap of an out-of-date zoning ordinance.

POLLUTION CONTROL STANDARDS AND ENVIRONMENTAL ATTITUDES

Almost daily it seems we are assaulted by reports of governmental agencies and private research institutes that we are poisoning and destroying our environment and ourselves in the process. And even if the pollutants, our advanced society manages to emit, do not succeed in extinguishing man as a species, the quality of all our lives will be drastically altered for the worse. Those scientists who believe man can be rescued from impending environmental disaster emphatically state that the price will be high both in personal sacrifice and financial resources.

There are several areas in which states can take effective action concerning pollution, and each deals with local governments. First, the state might provide localities with the financial and technical assistance whereby they can halt their own pollution through proper waste treatment facilities and faulty incinerators. Second, there might be state-wide standards for potential polluters and these must be enforced. This latter aspect is particularly important. If one

community enacts and enforces pollution standards and another community does not, the benefit for all concerned is marginal. To complicate matters the first community may feel that by acting alone it is penalizing itself and its citizens, since potential new industry may locate where the standards are less strict, not enforced, or nonexistent. Thus it would appear that current state activity in this area is a prime responsibility which should be extended.

Areas of Analysis

1. Pollution Control Standards

This area deals with whether individual municipalities had such standards. The questionnaire also inquired about specific types of pollution standards, such as heat or noise pollution, but the responses to these questions were too few to make analysis worthwhile or reliable, other than to note the small number of communities that have such specific standards. The results to the question of overall pollution control will give an indication of the status of this area among Illinois municipalities.

2. Environmental Attitudes

Two questions were used to measure these attitudes. The respondents were asked whether they agreed or disagreed that government preservation of agricultural land and government preservation of scenic and natural resources should receive strong planning emphasis. When compared with the first area of analysis, it will give an idea of the current status of pollution control, and what local officials feel government policy should be.

These two areas of analysis were run in cross-tabulation with certain independent variables of community characteristics; presence of an official plan, population size, membership in an SMSA, and family median income in order to see if any pattern emerged among the variables.

Results

1. Pollution Control Standards

From the results it is very clear that the presence of pollution control standards is highly correlated with the presence of an official plan, membership in an SMSA, a family median income of greater than \$8,000 annually, and a population of greater than 20,000 persons. A typical set of data is presented in Table 69 below.

Table 69. Pollution Standards

<u>Median Income</u>	<u>Yes</u>	<u>No</u>	<u>Unknown</u>	<u>Row Total</u>
0-\$8,000	35.2% (80)	62.1% (141)	2.6% (6)	227
\$8,000 +	55.6% (149)	40.7% (109)	3.7% (10)	<u>268</u>
			<u>Total</u>	<u>495</u>

Looking at the data another way, of those communities stating that they had pollution standards, 65.1% also had a median income of more than \$8,000.

These results are not surprising, since it is intuitively understandable that larger, wealthier, more sophisticated communities (in terms of planning techniques) should have the will and resources to carry out this type of control. This relationship is clearly shown in Table 70. There is a steady progression between increasing population size and an increasing possibility of pollution standards; the opposite is also true.

Table 70. Pollution Standards

Population Size	Yes	No	Unknown	Row Total
0-5,000	39.2% (78)	59.3% (118)	1.5% (3)	199
5-10,000	40.2% (35)	58.6% (51)	1.1% (1)	87
10-20,000	44.3% (35)	54.4% (43)	1.3% (1)	79
20,000 +	58.1% (97)	34.1% (57)	7.8% (13)	<u>167</u>
Total				532

Looking at the independent variable of the presence of a zoning ordinance, one realizes that the presence of this variable does not correlate with the presence of pollution control standards. For instance, 46.2% of the respondents stated they had such standards and a zoning ordinance, while 50.5% stated they had an ordinance but no pollution regulations. Thus, it would appear that the presence of pollution control standards is dependent on more sophisticated planning values such as an official plan, and the complex interaction of community demographic variables rather than the absence or presence of a zoning ordinance.

2. Environmental Attitudes

There was a strong positive reaction toward the two environmental protection questions on the part of the respondents. The question on the preservation of scenic and natural resources elicited the strongest response. The response was also consistent across all the independent variables. A typical set of data representing the SMSA variable is presented in Table 71.

Table 71. Preservation of Scenic and Natural Resources

SMSA	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree	No Opinion	Row Total
Yes	73.9% (238)	22.4% (72)	2.2% (7)	1.0% (3)	1.0% (2)	0.0% (0)	322
No	72.5% (266)	20.7% (76)	3.3% (12)	1.1% (4)	1.0% (3)	1.6% (6)	<u>367</u>
Total							689

Highly significant is the fact that almost three-quarters of the sample of those communities located or not located in an SMSA, indicated they *agreed strongly* with the statement. When the two categories agree strongly and agree somewhat are combined, the figure increases to over 90% in both instances. Thus, it would appear that there is a strong popular mandate for action in this area.

There was less quantitative unanimity of opinion regarding the preservation of agricultural land. As might be expected, rural areas which can be generally indicated by the lack of an official plan, nonmembership in an SMSA, a family median income of less than \$8,000 and smaller population were much more positive in their reaction. An example is presented in Table 72 below.

Table 72. Preservation of Agricultural Land

Median Income	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree	No Opinion	Row Total
0-\$8,000	49.1% (195)	26.9% (107)	10.1% (40)	6.0% (24)	2.8% (11)	5.0% (20)	397
\$8,000 +	29.5% (81)	27.3% (75)	16.4% (45)	11.6% (32)	9.8% (27)	5.5% (15)	<u>275</u>
Total							672

However, when the two agree categories are combined, the figures are 76% and 56.8% for communities with incomes less than \$8,000 and greater than \$8,000, respectively. This would appear to indicate a considerable respect for the importance of the preservation of agricultural land in Illinois.

NUMBER OF DISTRICTS

One measure of the sophistication of land use planning techniques in a community is the number of districts provided for each different land use. The greater the number of districts, the greater the realization of the delicate and complex task of insuring compatible uses in neighboring areas of the municipality.

Areas of Analysis

In the survey questionnaire respondents were asked how many districts existed in their community for each of the following land uses: residential, commercial, industrial, and agricultural. These responses were then analyzed and related to the independent variables of community characteristics that were used in this study. The number of districts used as a standard for the presence of more sophisticated land use planning was six or more.

Results

For all the independent variables, residential areas had the highest number of respondents indicating the presence of six or more districts followed by commercial areas. Industrial and agricultural areas were very similar in response rate. A typical result of this finding is illustrated in Table 73 below.

Table 73. Areas with Six or More Districts

SMSA	Residential	Commercial	Industrial	Agricultural
Yes	23.9% (68)	9.1% (26)	5.8% (16)	6.4% (7)
No	11.3% (21)	8.7% (16)	5.2% (9)	5.5% (7)

Perhaps the larger number of residential areas of six or more districts is due to the traditional emphasis of zoning on the preservation and enhancement of the residential sector. With the increased emphasis on commercial and industrial development, the number of districts devoted to these uses should be expected to increase.

It is also clear from the data that larger, wealthier, urban areas with more sophisticated techniques have the best possibility of having six or more districts set aside for a specific land use. For example, 95.9% of the respondents who stated they had six or more residential districts also had an official plan. This is even true for agricultural districts although the very small sample size may bias the results. Here 78.6% of those who indicated six or more agricultural districts had an official plan. Using another independent variable such as family median income, the results are much the same except that the trend is not as strong. For instance, 67.1% of the respondents stating they had six or more residential districts had a community family median income of greater than \$8,000; the comparable figure, official plan variable, is 85.9%.

FOOTNOTES

¹The 1264 lawyers to which questionnaires were mailed constitute the entire Local Government Law Section of the Illinois Bar. Many attorneys in this Section do not practice or are unfamiliar with land use law. Those working in the areas of bond financing, or administrative law, or public works -- engineering law and the like were not likely to complete the questionnaire due to lack of expertise. It was therefore estimated that 600 attorneys in the Section as a whole may have had some experience with land use litigation and who would consider answering the questionnaire. In evaluating the total response, then we have a total sample size/percentage and an adjusted sample size/percentage display of the sample subgroups.

²Brooks, Mary, *Exclusionary Zoning* (Chicago, American Society of Planning Officials, P.A.S. No. 254, 1970) p. 2.

³American Society of Planning Officials. *New Directions in Connecticut Planning Legislation* (Chicago, 1967) p. 185.

⁴*Ibid.*, p. 186.

⁵Brooks, *op. cit.*, p. 2.

⁶*City*, January/February 1971 (Vol. 5, No. 1).

⁷Of the cases heard by the Federal courts, such unlikely locations as Union City and Marysville, California; Montclair, New Jersey; Lackawanna, New York; Tempe, Arizona; Lima, Ohio; Blackjack, Missouri; have been the locations of legal proceedings alleging discrimination in housing through lot size restrictions. In Illinois, DuPage County is about to be the center for similar judicial review.

⁸See also, *City, op. cit.*, pp. 58-64 for an article by Babcock, "The Courts Enter the Land Development Marketplace."

⁹A question that always arises in discussion of large-lot zoning is what is meant by "large lot?" The question is, of course, relative. In many cases a large lot is a function of perception. To people living in relatively spacious suburban communities, a large lot may be envisioned as a half acre or some 22,000 square feet. For a central city dweller there would be a completely different view of the situation. For those living in a crowded tenement, a 5,000 square-foot lot might seem "large."

Given this relativeness based on personal preference and current living conditions, the most acceptable criteria of large lots is most likely an economic one. The question is then, (W)hat is considered an acceptable lot size on which to build a single-family detached dwelling with sufficient side, back and front yard space in the \$15,000 to \$20,000 total cost range?

Narrowed down to these fairly explicit requirements, the definition of large lot becomes somewhat more objective. In this instance, a fairly easy determination could be made according to local land, labor and building costs.

In the Chicago Region such an evaluative criterion is used in a Northeastern Illinois Planning Commission study. Through discussion with various sources, planners decided that a "5,000 to 6,000-square-foot lot for a single-family residence and a 2,800 to 2,900-square-foot lot area for each multi-family unit are the most feasible densities for producing more reasonably priced housing." This survey of local zoning problems used the criterion of 6,000 square feet and above for single-family residences as indicative of large-lot zoning.

¹⁰Analysis of lot size restrictions in rural areas is a poor indicator of exclusionary intent for several reasons. First, the use of large lots in rural environments is in part due to physical necessity and the relative abundance of land. Physically, larger lots are necessary due to septic tank disposal systems. Secondly, land is more abundant and considerably less expensive. For instance, land in a prospective subdivision of west-central Illinois sells for \$1,000 an acre. In a Chicago suburb, one acre may go as much as \$12,000 to \$15,000.

The problem though in metropolitan areas, is conserving land that has some natural intrinsic value for aesthetic, recreational purposes. Hills, moraines,

beach areas, forest land, meadows, prime agricultural land are examples.

The issue though is preservation for whom? In Chicago and most metropolitan areas such recreation--aesthetically pleasing sites are relatively sparse in comparison to the size of the population who might like to enjoy and visit such areas. A sound argument could be made that these environmental locales should be reserved for the benefit of the entire region, not just those who can afford the high land costs.

In any case, such natural landscapes do exist and by most concepts of societal values require preservation. Regional planning and regional land use identification and control systems for such resources using the ecological method seems to be the only logical approach.

¹¹The President's Committee on Urban Housing. *A Decent Home* (Washington, Superintendent of Documents, 1969) p. 157.

¹²Johnson, Frederick, *The Environmental Impact of the Mobile Home on Frederick County*, (Frederick, Maryland, Frederick County Planning Commission, 1970) p. 4.

¹³*A Decent Home, op. cit.*, p. 157.

¹⁴*Ibid.*, p. 158.

¹⁵Memorandum to Zoning Laws Study Commission by Richard L. Wexler, "Regulatory Aspects of Mobile Homes," December 9, 1970, p. 4.

CHAPTER III.

SURVEY RESULTS - NONQUANTIFIED DATA

INTRODUCTION

One of the most interesting sections of the questionnaire to work with was the one entitled "Additional Evaluation." Two questions were asked: What other problems not covered by this questionnaire has your community had in zoning and land use? and What do you think the State could do under its enabling legislation to improve the situation? The purposes of these questions were to first give the respondents an opportunity to report on or re-emphasize any particular zoning problem they felt strongly about. Second, these questions provided local officials a means of suggesting their own ideas to the Commission.

As will be evident in the following analysis, the breadth of problems, concerns and requests for assistance went through all areas of zoning and land use. As mentioned in Chapter I, close to 50% of the respondents added some subjective statement of their feelings. Such a relatively high response given the length of the questionnaire can be interpreted to mean two things. First, the respondents in the aggregate viewed zoning as an important governmental tool that is necessary and in need of better definition and subsequent application. Second, reflecting on the questionnaire itself, the response may suggest that the possible categories for the objective questions were not sufficiently precise. Consequently, respondents felt they were not able to record the local situation and their attitudes within the context of individual questions.

This latter generalization should not be interpreted to mean, though, that a fair analytical report cannot be produced; rather, a high rate of subjective analysis may indicate that zoning is a "hot" political issue. As a result, many respondents may not feel comfortable being "plugged" into the general questionnaire categories without additional explanation of the situation in their community.

Intpretation of Results

A comment is in order concerning the manner of the intpretation of the nonquantified data. The purpose of having nonquantified data in an otherwise categorized questionnaire is to either "illustrate the range of meaning attached to any one category" and/or "stimulate new insights." ¹ While much of the material was interesting reading and the wit of some respondents provocative, the comments and the following discussion should not be interpreted as in itself significant without reference to the total context of the zoning problem and the quantified results. The ensuing paragraphs are meant to extend the perspective of the previous discussion on the quantified data.

Format of the Data Report

The analysis is broken down into two broad categories — Local Problems in Zoning and State-Wide Mandates for Action. For the former the following issues were derived from the comments and are reported on:

- Zoning and Planning
- Intergovernmental Conflict
- Intragovernmental Conflict
- Lack of Flexibility

Land Use Discrimination

Zoning and the Courts

For the latter the following are described from the responses:

Environmental Protection

Regional Planning Commissions

Education of Local Officials

State Professional and Financial Assistance

LOCAL PROBLEMS IN ZONING

ZONING AND PLANNING

The relationship between planning and zoning is a key one and can determine whether the local zoning ordinance facilitates or hinders the development of the community along the lines formulated in the Official Plan. Zoning laws enacted after the adoption of an Official Plan and in harmony with it are useful tools for its successful implementation. Conversely, the adoption of an Official Plan without at least the revision of the zoning ordinance frequently negates the whole planning process.

Part of this problem is due to the lack of understanding by the general public and at times their elected representatives of the most effective uses of zoning. As one respondent stated, "Inadequate sources of information as to zoning techniques and development coupled with the absence of a zoning philosophy or concept provides for pedestrian zoning." This lack of direction makes the administration of zoning laws difficult because of no common standard on which to base judgments.

Most respondents who addressed this area of concern emphatically stressed the need for zoning laws to be coordinated with the implementation of the Official Plan. One individual responded in this manner: "Planning should come before zoning and we should plan realistically with all key groups participating. Zoning should be related to the physical, social and economic environment, not just legal precedents." To insure orderly development communities should be required, if necessary, to carry out some kind of plan consistent with their need and ability before undertaking the development of a zoning ordinance. A locality lacking fiscal or professional capabilities should be eligible for State aid.

Mandatory Review

Even if the original zoning ordinance is in harmony with the Official Plan, it can rapidly become outdated and become an obstacle to good community development. Some respondents felt that a State law making mandatory the review and, if necessary, the revision of the zoning ordinance after a fixed time would be helpful.

Variances and Special Uses

Another crucial area in the relationship of planning and zoning is that of variances and special uses. Indiscriminate or inconsistent granting of these can

also negate the planning function even when it is well coordinated with zoning. Zoning Boards or City Councils were seen to have a tendency to grant a request for a zoning change if there were no overt public objections. As one respondent explained, this creates a "crazy-quilt" effect on local land use patterns. To alleviate this pattern, it was suggested that the limits of variances, special uses and exemptions be explicitly established. Another response lead in a slightly different direction: "Comprehensive plans should be filed and designated as legal documents upon which zoning should be based and against which zoning changes should be justified."

The Small Community — A Suggestion

Of particular concern is the small community that may not have the resources to plan and zone properly or may not understand the importance of doing so. For some of these localities an involvement in a regional planning commission to which they could submit zoning ordinances for approval seems to be a good suggestion. However, because of the sensitivity of many areas to the home rule question and the difficulty of establishing standards relating to which communities must do this, perhaps they should be given a choice of forming such an association or trying to undertake the function themselves with State funding and professional help.

INTERGOVERNMENTAL CONFLICT

The topic of intergovernmental conflict in relation to zoning matters is a complex one. It covers areas such as the control of the 1-1/2 - mile extraterritorial limit, county planning and zoning, relations between adjacent communities and home rule. The responses we received indicated a great deal of concern over these issues and a general feeling of confusion and frustration over the present statute.

Most respondents wanted some control over the area immediately surrounding the corporate limits of their municipality. Specifically these people felt that since municipalities have planning powers up to 1-1/2 miles beyond the city line, they should also have the authority to zone in these areas even if county zoning exists.

Communications

Along similar lines, communications and relations between adjacent communities and between municipalities and the county appeared to be a sensitive area. Lack of uniformity between zoning laws of adjacent communities causes problems in that incompatible zoning decisions may lower property values with little chance for those affected to obtain a more satisfactory decision. Better communication between neighboring municipalities could alleviate the problem somewhat but apparently this also is lacking.

The county also appears to be a prime offender in this area. One respondent wrote, "Variations granted by the county in unincorporated areas frequently depreciate property values within the corporate limits of the municipality." Another respondent complained that the county was not particularly receptive to

such complaints. This appears to be an especially sensitive point since as mentioned before many municipalities feel they have the right to zone outside their corporate limits. Rapidly developing new communities stated that they had an increased need to be able to stop improper land uses and zoning violations in the unincorporated areas which they might eventually annex. Clearly in this area there is a need for a uniform zoning code to clarify the responsibilities of each unit of government and to improve cooperation and communication.

Municipal Autonomy

The issue of just how much autonomy a local government (particularly very small ones) should have in enacting and enforcing a zoning ordinance is an emotional one. On a broad level, most respondents would agree that the State has little place in zoning matters on a local scale. An attorney from Cook County stated this position, "I think that planning and zoning should be left up to the local community and that only if there is clearly an unconstitutional usurpation of authority should the State interfere with the desires of the local citizenry." There was general agreement that the State or State agencies do not have sufficient local contact to be active in this area.

The real conflict appears to be between counties and municipalities. The views expressed on this subject covered a wide range. Some would have the county exercise greater control: "We should have more overall county-wide or multi-county zoning with the power to overrule city and village zoning decisions." Others would reverse the position: "Let each city or municipality handle its own zoning for the benefit of its own residents!" However, most of the responses fell on some middle ground. The need for county zoning was recognized for unincorporated areas and communities unable to zone themselves properly. The respondents felt, though, that if local zoning laws were reasonable and just, they should have precedence since they are closer to the local citizens. In order to give localities greater control over county actions, one man suggested that the degree and extent of county zoning should be determined by a local referendum.

However, all fault does not lie in the county structure. Small municipalities can become very protective of what they believe to be their home rule rights. This position at times hinders both the development of the community and the smooth functioning of many governmental levels. This view was well expressed by an attorney from Rock Island County: "The basic problem this county encounters in both zoning and planning is performing these functions adequately while simultaneously cooperating with cities and villages. The larger municipalities are very cooperative, but smaller cities and villages have a very exalted concept of 'home rule' and sometimes seem determined to do nothing rather than cooperating with the county."

INTRAGOVERNMENTAL CONFLICT

Paralleling problems encountered in zoning and planning between communities is the problem of conflict among sections of the government within the same community. Responsibilities and privileges of planning commissions, zoning boards of appeal and city councils frequently overlap and are not well defined causing misunderstanding and at times frustration. Unfortunately, these problems with the administration of the zoning ordinance can be reflected in the poor manner in which the zoning laws serve the community they are supposed to help.

Generally one main reason was given for altering the present state of affairs. The argument settled on the perception that the city council makes "political"² decisions while the zoning board considers the case on its factual basis. However, a Cook County attorney said, "... the zoning board of appeals too often ignored the principles of zoning and are swayed by mass objectors regardless of the merits of the case."

Some respondents felt that zoning boards are often "too easily influenced by large groups of people rather than what is right and they tend to be overly conscious of home owners' needs." In this respect the single-family residence owner group is one in which there is a definite lack of understanding as to what zoning is intended to do in functionally guiding the arrangement of land uses and distribution among different economic groups.

The City Council

In the opinions of the respondents who addressed this problem, the functioning of the city council in relation to zoning matters appears to be the chief concern and complaint. For these citizens the zoning board of appeals should have the final authority in all zoning decisions since it conducts the hearings and is composed of people who deal regularly with interpreting the zoning ordinance. The action of a city council in overriding zoning recommendations clearly creates a sense of futility and frustration among zoning board members. An attorney from Tazewell County stated this position: "In my opinion zoning problems should be passed on finally by the Planning Commission and the Appeals Board. The City Council should only provide the law under which zoning bodies operate and should not retain the power of veto of decision of the zoning authority decision."

Right Versus Ability

The conflict rests with the important public administration problem of the *right* to decide (*i.e.*, to review, veto or affirm) versus the specialized *ability* or skill necessary to solve most complex problems. The local legislative body has often retained the rights of authority by delegating only the power of recommendation in an area where, perhaps, the city council no longer can be sufficiently informed to make the best decisions. The situation is certainly an unstable one.

A man from Kankakee summarized the situation:

...a community can have, as we have, a highly capable and conscientious Zoning Board of Appeals only to have their most seriously considered opinions and recommendations [reversed by the city council] by purely local considerations such as the objections of school boards and taxpayers....

This respondent seems to be suggesting that the local municipal legislature is not attuned to the broader community on some tenuous zoning land use issues either in the physical or social sense. The zoning board by its nature must listen to and hear more opinions on every side of the issue. The city council, though, is more easily influenced by individualized opinions of specific objectors. In itself this is not a bad situation. It does mean, however, that concrete research and subsequent legislative action is necessary at a State level as to the relationship between the local zoning and/or planning board and the local legislative body. Some functional balance between competency and authority is paramount to shoring up the current inequities in the decisional process.

Recommendations

Short of removing the power of the city council to review zoning recommendations, several alternative solutions to this problem were offered by respondents. Some stressed the need of greater communications between these bodies of government. Perhaps if the full reasons for a decision by a zoning board or city council were made known to the other group, conflict and injured prerogatives could be avoided. If the right of review is retained by the council, one man from Kane County felt it should be more difficult for the council to overturn a zoning board decision: "A provision is needed to make mandatory a three-fourths majority vote to override the recommendations of a hearing body." Some respondents also expressed the belief that intragovernmental conflict could be relieved if the functions of the city council, zoning board and planning commission were made more specific. In this manner the tendency of these bodies to attempt to control and administer an area of government that is open to all of them could be eliminated.

LACK OF FLEXIBILITY

The ability or lack of ability of the zoning ordinance to deal effectively with change was a concern of the respondents. Either an outdated ordinance or one that is poorly conceived can have an important effect on a community. Although the great majority of respondents felt their zoning laws were too inflexible, one man expressed the belief that the ordinance was too flexible, allowing it to be manipulated for political reasons and not for the good of the community.

Of those expressing concern over lack of flexibility, most explicitly stated that zoning must be dynamic in order to accommodate itself to a changing environment. One respondent answered in this manner: "Too often zoning has absolutely no relationship to changes in economic, social or esthetic realities. Zoning should be used as a tool not a blueprint although local government often utilizes it as such." It was also mentioned that inflexible zoning ordinances lack any kind of incentive provisions to encourage more imaginative design and construction.

Again the plight of the small community became evident as respondents from these areas expressed the difficulties they have in keeping abreast of changes in land development and economics. Little was offered in the way of a solution to this dilemma although it was stressed time and again that zoning ordinances should be reviewed and if necessary updated frequently. The abuses created by an outdated or inflexible ordinance can be just as damaging as those perpetrated in the absence of an ordinance.

ZONING AND THE COURTS

Most of the comments in this area came from lawyers and planners. Those replies that did not expressed a somewhat bitter attitude toward current legislation, for example: "Make all laws short, plain and to the point so lawyers cannot interpret them to be evasive." In spite of differences and points of view, though, there was a uniformity of agreement on the need for state-wide procedural standards. Even those respondents who espoused a conservative view of zoning mentioned the need for improvement in the procedural process of zoning hearings.

This desire for a legislatively determined set of procedural standards generally seemed to arise from the complete disgust which these respondents had of the judicial process. One individual from a suburb of Cook County said that their major problem was "...the ability and ease of the courts to overturn local zoning decisions without espousing definite standards and their seeming willingness *to do so*."

A lawyer from a very large suburb in north Cook County complained:

Our zoning ordinance and its administration work rather well. Our problem is with the courts to whom these cases are appealed. The courts appear to be literally out of touch with the citizens of the community and its officials. Where after a *fair* hearing, a decision is reached to prohibit certain zoning changes, it should be prima facie evidence [evidence sufficient to establish a fact or to raise a presumption of fact unless rebutted] against change in an appeal situation. Instead judges dole out decisions, making remarks such as, "I gave you the last one"!

From a slightly different perspective another lawyer gave the following view:

Local officials often feel frustration and lose faith and reliance in the local zoning laws when a developer, through the judicial process, can overturn such laws on "constitutional" grounds in order to reap greater profits from the investment, because many Circuit Courts have lost sight of the legislative intent underlying local zoning. It appears that the constitutional right of a property owner to use his land for any purpose not inconsistent with the local general welfare has been equated and transformed by such Courts into a "constitutional right" to have and take increased profits without consideration of fundamental reasonableness and community-wide effect on all property owners, and their equally constitutional right to the peaceful use and enjoyment of their property.

In sum, there was nearly unanimous agreement on the need for the legislature to establish fair mandatory guidelines for local zoning hearings and fact findings. It was felt that Circuit Courts should merely oversee procedures and not substitute their judgment for that of local officials.

LAND USE DISCRIMINATION

The comments in this area ranged through all possible areas of discrimination — racial, elderly, low-income, pollution (agricultural and industrial), taxation practices and mobile homes. The comments were divided into two geographic groups — those from the six-county Chicago area (Lake, Cook, DuPage, Will, McHenry and Kane) and the downstate areas. This is not to say that the problems downstate counties have are not common to Chicago. It seems that respondents in the six-county Chicago area chose either to avoid discussion of the issues or they had no local experience or knowledge on which to comment. In general those individuals who emphasized this topic gave the most detailed replies of all questionnaire respondents.

Large-Lot Zoning

In the Chicago area the "hottest" issue was the tendency of single-family residential communities to exclude low-income groups. In suggesting possible approaches to the problem, though, no urban respondent specifically mentioned a desire to see a large influx of poor into suburbia. The normal type of comment was: "(A)ttempt to provide for larger concepts than bedroom villages which have a tendency to set up protective barriers." In specific policies, no one went beyond speaking in broad generalities. This may be due to the lack of experience in bringing low-cost housing to the suburbs. The comments nicely augmented the quantified findings that people generally believe there is a problem but do not know all the contributing factors or ramifications of a particular policy.

"Fiscal mercantilism" (using real property taxation as a means of attracting high-quality tax base industry and repelling consumers of public services) was also mentioned as discriminatory planning. While no respondent from the Chicago area made any suggestions about what to do about the situation beyond saying it should not exist; an individual from Kankakee County said that their big problem was "...local land being held by owners who are not willing to make it available [No definition of available for what. It probably refers to available in conformance to local planning desires.] or not willing to work with planners or put in improvements." The suggestion was to "...help local government tax local land based on potential [land value tax], thus discouraging land owners from 'sitting' [speculating] on land."

Mobile Homes

Another downstate problem which raised concern was the issue of mobile homes. A mayor from a town in Coles County (East-Central Illinois) wrote:

The present acceleration of developing mobile home courts and the possibility of HUD's Operation Breakthrough to provide more low-income housing by the use of mobile homes creates a need for better control of land use. Developing of standards to establish more open space between mobile homes, auto parking, park facilities and service centers is required. Land area ratio to floor area ratio also should be studied.

This mayor seems to indicate an acceptance of mobile homes provided that reasonable care be used in developing a mobile home park. Aesthetics again seem to be the underlying issue — that of taking what is perceived to be a rectangular box and somehow making it conform to the aesthetics of a more conventional single-family residence. Value judgments are a very thorny problem here.

As to why mobile homes are increasing in use, a mayor in Adams County (West-Central Illinois) analyzed the situation as one where homes are not selling. Consequently, builders who have tracts of land are turning to mobile homes parks as an alternative until the conventional home market improves. From a second viewpoint the 1968 Housing Act selected a goal of 26 million new dwelling units to be constructed over a ten-year period. Mobile homes are bound to be a portion of this total — perhaps, in fact, the majority.

A concurrent governmental problem was how do you assess and tax mobile homes? Is it a permanent or detached residence? Downstate seemed much more concerned over this aspect of taxation.

In sum, a lawyer in Randolph County (St. Louis area) stated the mobile home problem in these words:

(T)he mobile home with its wheels detached is hard to classify and presents problems of definition. However, the use of mobile homes as a single-family dwelling is greatly increasing and the public demand to let them be located in residential areas cannot be totally ignored.

Housing for the Elderly

In downstate areas a sometimes mentioned problem was that of housing for the elderly. In essence the issue is the same as for other low-income groups. Zoning restrictions on living area place conventional homes out of reach for a person living on a limited income (Social Security, for example). This report has already discussed extensively the unfairness of a zoning ordinance preventing a poor person from living where he so chooses. The solutions would seem to be the same for the elderly as for any other similar income group.

Pollution

On the issue of pollution and zoning discrimination a mayor in Hancock County (Northwest-Central Illinois) offered these insights. His view centered on the flagrant environmental abuses which many industries and municipalities inflict, furthermore, from which they escape prosecution. The discrimination is that the small "insignificant" farmer is stringently restricted in the use of his land, some of which he may not be able to afford. A suitable term for the situation is "relative justice." This individual used the following illustration:

Raw sewage is constantly dumped into the Mississippi River by towns, factories and private persons. Meanwhile, the State personnel are busy checking the local farmers' timber ditches to see if any junk might be found there. These farmers are under severe threats of legal action and fines; at the same time, the inspectors consistently say the major polluters are out of their jurisdiction.

The lesson of this above comment rests with the necessity of the State taking an across-the-board approach in regulating land use (and abuse). Environmental zoning will not be of much use if its standards restrict the single-family residence, the farmer or the small business if large land users (a subdivider or industrial use, for instance) are able to escape regulation. The individual citizen will not look favorably on any control of his land if this be the case. To this point the same mayor gave the following analysis as to the popularity of zoning:

I assure you than any man intelligent enough to be a successful farmer today is not a fool. If your approach is fair, most will respond.... So far nearly all the farmers in this county are convinced that zoning is not only unfair, but that it is stupidly planned. It would be voted down, if put to a vote, 50 to 1 in this county. *This surely tell you something!*

[Sic]

Summary

In drawing together this section, the basic concern of the respondents was that in many cases zoning is often in favor of some people instead of all the people in a community. On the issue of zoning in the Chicago suburbs, the attitude was that the well-to-do were trying to legislate their own conception of life and habitat. In all areas of the State where exclusionary provisions were, in some form, in effect, the realities were that the present school-age generation would have to get rich quick or move away from their home community in order to afford a place to live. The common request was that the State do something state-wide in removing the current parochialism concerning zoning and its many inequities in application.

STATE-WIDE MANDATES FOR ACTION

ENVIRONMENTAL PROTECTION

In keeping with the increasing concern about ecology, there was a general recognition on the part of the respondents of the need for environmental regulations and controls. This was one area in which the State was seen as having a prime responsibility and ability to act. The term "environmental protection" meant not only the preservation of natural resources and the elimination of pollution to the respondents but also the orderly, intelligent development of communities.

A perceptive statement by one respondent demonstrated a change in attitude about zoning and its relationship to the environment was the following: "It's about time that zoning stopped being considered as a property protection tool instead of an effective environmental protection tool." On a less explicit note the respondents urged state-wide action in this area for two basic reasons. First, the State has the fiscal resources to undertake a comprehensive program of environmental protection and second, State standards would eliminate inequities and variations between communities which are self-defeating and would turn this to an advantage for all concerned. An interesting suggestion was to control the proliferation of service stations and drive-ins by issuing permits such as liquor licenses.

It would appear that the possibilities for zoning to be used in the area of environmental protection are many and education and promotion by the State for this type of control would appear to have an excellent chance for general acceptance.

REGIONAL PLANNING COMMISSIONS

In considering what the State of Illinois could do to aid local government in the area of zoning, some respondents suggested the establishment of regional planning commissions and/or the more widespread use of county zoning. There were three reasons expressed for this suggestion. Regional authorities could be used to police actions by local governing bodies; they could aid in communications and conflicts between municipalities; and they could help small communities accomplish things for which they have neither staff nor fiscal resources. However, it should

also be noted that those who supported this approach were very explicit in stating that the regional body should be controlled by representatives of its constituent parts.

The presence of a regional or county authority to monitor local efforts would better enable the people of this State to prevent and ameliorate the destruction of their environment especially by large powerful groups such as industry. One respondent expressed the hope that an agency larger than the local government could force that government to conform to the same land use controls that it enforces upon its citizens. Addressing the issue of intergovernmental relations, the following was written from Cook County: "Since zoning has a major effect on communities adjoining independent municipal units, the State should definitely provide for joint or Regional Zoning Boards to enable more adequate and effective regulation of land uses." The need for simple communication was stressed by another respondent: "More effort should be made to establish Regional Planning Commissions with more local participation in order to maintain communication arteries. The Northeastern Illinois Planning Commission fails to inform smaller communities of their programs and is too big a structure to serve small towns near Chicago."

For small municipalities the eternal problem appears to be funds and staff to create and administer its own zoning ordinance. Statements from these areas seem either to suggest the incorporation of the community into the county zoning laws or the donation of staff and funds by the larger governmental unit in order to create a local zoning ordinance.

COMPETENCE OF LOCAL OFFICIALS

It was not surprising to encounter numerous comments concerning the technical competence of those individuals serving on zoning boards. By "technical" we mean an understanding of the planning-zoning relationship, an awareness of the local and regional impact of zoning decisions, current legal decisions, the implication of the use of the police power clause and new developments in land use techniques and policy. While some individuals may grasp the essentials in any one of these areas, there was no indication in the comments of an across-the-board understanding of the issues. Consequently, some respondents reported that the weighing of alternatives was at times of questionable validity as to the judicious serving of the public interest. Proficient planning-zoning criteria were at times secondary considerations to the vocal requests of residents.

In essence, as a respondent from Lake County put it, the problem is "...the lack of knowledge, experience and understanding by members of both the zoning board and Village Board of zoning law, its constitutional basis and its relation to planning and growth. Lawyers often find themselves immersed in highly technical legal matters with which they feel incapable of dealing or shrug off without proper consideration."

Another respondent from McHenry County summarized with these words: "It would be difficult to find ten really capable zoning people in our entire population of 100,000." This person further estimated that in spite of the low level of expressed ability, more than 625 people "dabble in citizen property rights" in the county. His stated position is the result of 26 years as a city attorney with a specialty in private zoning law plus a ten-year stint on the County Board of Appeals.

It seems, then, that the one issue underlying the above points is the inability of local government to attract and/or persuade those that are at least interested, have time and perhaps have some background in zoning to participate in local government. Addressing himself to the time problem, a respondent from Crawford County gave this report: "We are strictly a volunteer, nonpaying organization so we have barely enough time to keep up with routine affairs let alone do any serious long-range planning." Without any intent of incrimination, this seems to express what is the planning purview of many local zoning boards—routine affairs.

A suggestion that was advanced several times to partially solve the lack of interest issue (at least for larger municipalities) was to make appointments to the zoning board more on the basis of ability rather than political acquaintances. In the same vein, to make the deliberation of the boards more substantive, it was suggested that minor issues (no definition given) be removed from the board meetings. Another proposal for smaller municipalities where qualified and interested individuals are less numerous, was to combine the activities of the planning commission and the zoning board of appeals.

Retention of Personnel

A second problem which may be inferred from this group of comments is the inability of many communities to retain people on zoning boards for any length of time. The old cliché "Experience is the best teacher" could not be more apropos. In many cases, the teacher does not remain very long. The solution, though, probably rests more with the overall problem of improving local government in general.

In short, the responses seem to suggest the need for intensive seminars directed at all local officials. Ideally this could best be done at the county or regional level if all counties had experienced staff and the financial resources. This would permit a close association with local problems yet give the seminar a regional purview.

Functionally, at this time, however, these seminars are more financially practical at the State level through the various university extension services available. These seminars might be planned on two levels. One would be for the newly appointed zoning official and another would be offered as a refresher course concentrating on new developments in land use techniques and new legal issues and decisions.

EDUCATION OF LOCAL OFFICIALS

Among the respondents there was expressed a feeling that the State has neglected its responsibility to educate local governmental units in matters pertaining to proper zoning and the efficient administration of the zoning ordinance. Recognized as a particular need was the establishment of a uniform zoning guide, including both the enactment of the zoning ordinance and the conduct of zoning hearings and the clarification of the roles of various governmental bodies involved in zoning.

A surprising number of respondents indicated dissatisfaction over such basic functions as the conduct of zoning hearings. It was felt that the lack of uniformity was one cause of the confusion and misunderstanding that surrounds local zoning decisions. One man expressed this view: "The State should develop a uniform code of zoning procedure suitable for adoption by both cities and counties in order to standardize zoning procedure at local option." The last section of the quote is a typical expression of the desire for State aid in zoning matters while allowing localities to retain as much home rule as possible.

On a more intimate level there was a recognition that one of the greatest obstacles to the general acceptance of zoning by the community was misunderstanding about its purposes and at times irrational fears of its consequences. To alleviate this problem an education program was suggested both as to zoning's general purpose and the specific municipal ordinance. While this approach would require patience, time and additional fiscal resources, in the long run it would facilitate adoption and enforcement of the local zoning ordinance.

STATE PROFESSIONAL AND FINANCIAL ASSISTANCE

Without a doubt the problem which was consistently mentioned as most troublesome to the small municipality (and county) was that of inadequate financial resources to hire professional personnel (planners and attorneys). The attitude seemed to be that the State was in a relatively better financial position than local governmental units. Therefore, the State should either allocate funds directly to the local community or provide advisory personnel from a State planning assistance bureau. A rationale given for the need of more money was that State law made zoning too complicated for a small municipality and, thus, too expensive.

Among respondents commenting from communities with no zoning, many felt there was a need for it if professional guidance were available. In further explanation it was emphasized that the character of local zoning and planning was dependent on the part-time, nonpaid individuals on the local boards. The inference then drawn was that if members of a zoning board cannot be even minimally compensated for their expenses, where is money coming from for the hiring of professionals?

Planning Consultants

If money was available, or believed available, some individuals expressed apprehension over the use of planning consultants. One person from Henry County (west northwest Illinois) wrote: "(P)lanning consultants are available, however, they do not seem to have or take the time to become sufficiently knowledgeable of the community to provide sound advice." While this may be a misapprehension in some cases, it does suggest that there are firms who hang out their "shingles" without adequate competencies.

There may be good cause for the State to set up some guidelines as necessary prerequisites for firms or individuals to do planning and zoning consulting. There is in many instances a substantive difference in attitudes and conceptual approaches between individuals professionally trained in planning and individuals trained as engineers, architects or lawyers.

A Paradox

In another vein it was surprising to note that the great majority of respondents who mentioned the need for professional help intimated the need for planning as a prerequisite to zoning, or, at least, mentioned the need for local community planning. A subtle contradiction became apparent, though, when this expressed need for planning was compared with the extent to which respondents were prepared to use the so-called "planning powers." While it was acceptable (as perceived by respondents) for the local community to plan (develop goals, policies, programs, capital improvements budgets, a zoning ordinance) and use State resources, when it came to implementation, respondents objected to any State involvement. Given the large land areas involved in rural areas with very little of it under a municipality's jurisdiction with several counties not having county zoning or planning, excluding State involvement is an indefensible proposition. If local units of government do not choose to rationally plan for the preservation and growth of the area and the state is excluded, the federal government is the only level left.

Funds for Enforcement

A few respondents discussed the lack of money from a third viewpoint. That is, they reported presence of a local zoning ordinance, but no money available to enforce it. A questionnaire respondent from a community in Logan County (central Illinois) said: "Help small communities that are unable to finance the cost of a full-time inspector to see that zoning laws are enforced." The consequence of such circumstances is a further questioning or even some loss of respect for local government. The city council or board of trustees approves the ordinance but in a matter of time it becomes merely words. What takes place informally is that local citizens discover that the ordinance will not be enforced so they ignore it.³ In fact, the larger problem is not one of the actual ordinance but the issue of abiding by a system of law legislated by a duly elected body.

Comprehensiveness

A final problem mentioned by two respondents was the issue of the comprehensiveness of a necessary zoning ordinance. They felt that local conditions did not warrant the typical all-pervasive ordinance. It was suggested that "small communities need only parts of zoning laws such as housing, pollution provisions" as examples (Mason County respondent). Parking provisions were specifically given as unnecessary in a small rural municipality. This response was brought up in the context of the need for competent advice.

FOOTNOTES

¹ Claire Selltiz, *et al.* *Research Methods in Social Relations*, New York: Holt, Rinehart and Winston, 1959 revised, p. 433.

² No respondent gave a definition of *political*. However, given the context of the ensuing discussion we have chosen a definition which seems to be appropos. It is:

In organizational terms, *politics* means those activities concerned with the delegation of authority on bases other than a generally recognized ability to exercise it. It involves some kind of exchange between the person desiring the authority and the authority figure who has it to give.

V. A. Thompson, *Public Administration*.

³While we have no comments or empirical evidence from urban municipalities, we would suggest that this may be a problem of some magnitude in those areas, *i.e.*, the impartial enforcement of the zoning ordinance. The local building department is usually charged with the inspection responsibility but are many times understaffed to do a thorough and complete job.

CONCLUSION

This survey, undertaken for the Zoning Laws Study Commission, has sought to solicit the opinions of local officials who are most intimately concerned with land use regulation and administration but who, for a variety of reasons, are unable to make their feelings known in any sizable number to such legislative commissions. In this respect it was particularly gratifying that so many respondents chose to add their own comments to the questionnaire and the amount of responses that came from small communities.

The interest and concern evidenced by these citizens in their additional comments coincided in many respects with the areas that were chosen for analysis in this study, such as minimum lot size, mobile homes, attitudes, procedure and decision-making, and planning and zoning. The questions concerning minimum lot size and the location of mobile homes allowed an examination of such controversial issues as exclusionary zoning and the provisions of low- and moderate-income housing. At the other end of the scale, the responses on procedure and decision-making and planning and zoning highlight the day-to-day problems of the functioning and administration of zoning in a community. Attitudes provide a measure of how zoning goals and the effects of zoning are perceived at the local level.

Since the survey was unique in terms of its scope and design, there are certain faults in its structure which could not be remedied due to time and resource restrictions. However, the value of the survey lies in the wealth of information which has been useful in determining attitudes and practices concerning land use regulation in communities of all types in Illinois, which was its original intent. It is also hoped that the suggestions concerning the structure and operation of the survey will prove helpful in refining the method when such a survey is again attempted.

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